

**LAW**  
**No. 97/2013**

**ON THE AUDIOVISUAL MEDIA IN THE REPUBLIC OF ALBANIA<sup>1</sup>**  
*(Amended with Law no. 22/2016<sup>2</sup>, dated 10.3.2016, decision of the Constitutional Court no. 56, dated 27.7.2016 and Law no. 91/2017, dated 22.5.2017, no. 30/2023, dated 13.4.2023)*  
*(updated)*

Pursuant to the Article 78 and 83 cause 1 of the Constitution, upon the proposal of a group of MPs,

THE ASSEMBLY  
OF THE REPUBLIC OF ALBANIA DECIDED:

CHAPTER I  
GENERAL PROVISIONS

Article 1  
**Subject**

This law regulates the activity of audiovisual media and their support services, based on the principle of technological neutrality in the territory of the Republic of Albania.

Article 2  
**Field of application**  
*(Amended with Law no. 30/2023, dated 13.4.2023)*

This law applies for the linear audio-visual broadcasting, nonlinear audio-visual broadcasting, their supporting services and as well as for video sharing platform services. This law does not apply for the printed media.

Article 3  
**Definitions**  
*(amended items 8, 26, 37, 43, 51 and added items 6/1, 17/1, 36/1, 44/1, 44/2 with Law no. 30/2023, dated 13.4.2023)*

In this law, the following terms will have the following meanings:

1. "Subscription" means the service contract, concluded between paid audiovisual media service providers and the recipients of these services.
2. "Limited access" means any measure and/or technical arrangement that allows the service in an intelligible form protected against a prior individual authorization.
3. "AMA" means the Albanian Media Authority.

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<sup>1</sup> This Law is aligned with Directive 2010/13/EU of the European Parliament and of the Council of March 10, 2010 "On the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive, codified version), CELEX number; **32010L0013**, Official Journal of the EU, Series L 95, dated 15. 4. 2010.

<sup>2</sup> The provisions of the law also apply to the elections that are being held at the time the law enters into force. (Article 5)

4. "Receiver device" means the union of the electronic devices that realize reception and opening of the audio and/or visual broadcasting for end-users and any other device or programme related to it for this purpose.

5. "Electronic and Postal Communications Authority or AKEP" (EPCA) means the responsible regulatory authority for electronic communications, as assigned under the Law no. 9918, dated 19.5.2008 "On Electronic Communications in the Republic of Albania".

6. "Teleshopping windows" mean direct provisions to the public during the broadcasted that last at least 15 minutes, aiming the sale of goods or services, including real estate, personal property or other rights, against payment. Teleshopping windows may include whether or not the possibility of immediate payment against delivery of goods, services or other real and intellectual rights subject thereof.

6/1. "Media literacy", in the context of this law, refers to the skills, knowledge and understanding that allows individuals to use in a safe and effective way the contents of audiovisual media services.

7. "Secret audiovisual communication with commercial nature" means the audio and/or visual presentation the goods, services, denomination, brand of product or of the activities of a producer of goods or provider of services in programs when such presentation, from the media service provider, intends to serve as advertising and might mislead the public on its nature. Such a statement is deemed to have intended to serve as an advertisement, when made against payment or other benefits.

8. "Audiovisual commercial communication" means the audio message or the audio/non-audio image which are designed to promote, directly or indirectly, the goods, services or image of a natural or legal entity pursuing an economic activity. Such public announcements accompany or are included in a programme in return for payment or for similar consideration or for self-promotional purposes. Forms of audiovisual commercial communication are:

- a) advertising in audiovisual services;
- b) sponsoring;
- c) direct sales;
- d) teleshopping windows;
- e) product placement in programs.

9. "Community", in the sense of this law, means a collection of individuals in a specific geographic location or the community of individuals who have a special interest in common.

10. "Community with special senses' (ability) needs" means the community with complete or partial deficiency of sight or hearing, whose ability to perceive audio or audiovisual signals is limited to the extent that makes it impossible for the enjoyment of the right to information.

11. "General coverage" means the coverage from a fee broadcasting service for at least 95 percent of the population in the Republic of Albania.

12. "Minister" means the minister responsible for the area of electronic communications.

13. "Terrestrial devices for the distribution of a broadcasting service" means any instrument for distributing such a service by waves.

14. "Multiplex" means a technical device for digital signals' transmission and for their joining in a digital data flow.

15. "Application programme interfaces" mean programming adapters between the applications available from AAMSP<sup>2</sup> and capacities of improved digital audiovisual broadcasting.

16. "Great importance Event" means an event with public importance in Albania, or in some parts of it, with sportive or non-sportive nature, which meets at least two of the following conditions:

- a) the event has a special and widespread interest in the country, where interested persons are others than those who usually attend such events through television;
- b) the event enjoys wide recognition from the general public, it has a significant cultural impact, strengthens cultural identity and there is no political party content;
- c) the event involves the participation of the national team to a particular sport discipline, to a significant international event or competition,
- d) historically, the event has been broadcasted free on TV and there was a high visibility in the country.

17. "Audiovisual media service provider (AAMSP)" means a physical or juridical person that has the editorial responsibility for the choice of the content of broadcasting services and that decides how to organize it.

17/1. "Video sharing platform provider", means the natural or legal person who provides the video sharing platform service.

18. "Digital network operator" is the juridical person who provides the technical infrastructure for digital terrestrial distribution and merge of digital programs and additional services included in the digital data flow.

19. "Event organizer" is the physical or juridical person that has the legal right to sell and distribute the event.

20. "Limited access device" means any device or software designed or adapted to give access to a protected service in an intelligible and clear form.

21. "Forbidden device" means any device or software designed or adapted to give access to a protected service in an intelligible and clear form, without the authorization of the service provider.

22. "Editorial responsibility" means the exercise of effective control both over the selection on programmes and over their organisation:

- a) a chronological schedule in the case of direct audiovisual broadcasting services;
- b) a catalogue, in the case of on-demand audiovisual services

23. "Independent productions" mean the activities of media works production, which satisfy one of the following conditions:

- a) if they are not controlled or connected either to licensed broadcasters or authorization to

broadcast;

- b) when for a period of three years, at least 90 percent of these products are not intended for a single broadcaster.

24. "Independent Producer" means a physical or juridical person, which is not linked to the production of audiovisual media services, which produces films, advertising programs, broadcasts or programs of an individual audiovisual nature.

25. "Radio Program" means the entirety of audio messages that make an individual element within a list or catalogue created by the service provider, the form and content of which are comparable to the form and content of radio broadcasting.

26. "Program" means the entirety of audio and non-audio moving images constituting an individual element within a list or catalogue created by the service provider, the form and content of which are comparable to the form and content of television broadcasting. Examples of programs include movies, sporting events, comedy, documentaries, children's programmes and original drama.

27. "Advertising" means any form of announcement broadcast whether in return for payment or for similar consideration by a public or private undertaking or by a natural person for self-promotional purposes in connection with a trade, business, craft or profession in order to promote the supply of goods or services, including immovable property, rights and obligations, in return for payment.

28. "Institutional Advertising" means the advertising ordered by a state institution, to promote the activities of the institution, in order to encourage, promote and protect the values and attitudes that consolidate democracy, welfare, public health and national security.

29. "Interactive advertising" means a type of advertising, which allows the user to access more detailed contents of the advertising from the editorial part of the relevant programme.

30. "Split-screen advertising" means advertising that is shown at the edge of the screen simultaneously with the programme broadcast as scrolling text, logotypes, short advertising spots or other type of advertising.

31. "Political advertising" means advertising with fundamental political content, which are intended to achieve political objectives.

32. "Virtual Advertising" means the advertising created through graphic processing with digital technology to insert images in a TV programme broadcasted directly or through registration.

33. "Usual Advertising" means broadcast of advertising, the duration of which does not exceed 90 seconds.

34. "Extended Advertising" means a broadcasting with profiting purposes exceeding 90 seconds, which gives the public detailed information about goods, services, companies, individuals and commercial organizations, activities or ideas.

35. "Television advertising" means any form of publication, broadcasted by a television broadcaster, against payment or other benefits or a broadcasting with self-advertising purposes by a public or private enterprise or by a physical person, connected with its profitable trading activities, or professional expertise in order to promote the provision of goods or services, including real estate, other rights and obligations against other payment.

36. "Electronic communications networks" means the broadcasting systems, and if exist, the commutation or routing systems and other sources, which allow the conduct of signals through conductors, radio, optic means or other electro-magnetic means including satellite networks, fixed networks, with commutation of circuits or with commutation of packets, including internet, movable terrestrial networks, systems of electric cable networks, for as long as the last ones are used for reasons of signal broadcasting, networks used for broadcasting audio-visual signals and televising cable networks, despite the information it conveys.

36/1. Gender-based discrimination encompasses any act, whether through action, gesture, visual representation, written or verbal communication in audiovisual media, practice, or behaviour. It is rooted in the belief that an individual or a group is inferior due to their gender, and it occurs both in public and private spheres, online or offline. The primary aim is to infringe upon human dignity, fundamental rights, and freedoms, leading to physical, sexual, psychological, social, or economic harm or suffering. This discrimination can target Albanian citizens, foreigners, or stateless individuals, fostering an environment that induces fear, hostility, degradation, insult, or humiliation. Furthermore, it contributes to the creation or reinforcement of gender stereotypes.

37. "Sponsorship" means any contribution made by a public or private juridical person or a physical person who is not engaged in providing audiovisual services or in the production of audiovisual works, or in the video sharing platform service, to finance audiovisual media services or programs, the video sharing platform services,

user-generated videos or programs intended to promote the name, brand, image, activities or products of that legal or natural person.

38. "Audio broadcasting service" means a broadcasting service, which promotes or distributes news, audio, signs or signals, in order to obtain them directly from the wide public.

39. "Public broadcasting service" includes the fee broadcasting services of ART (Albanian Radio Television)

40. "Audiovisual programme service" means a set of audiovisual programs of any kind and that is spread or distributed directly or indirectly to be obtained by the general public.

41. "Protection services" are:

a) services of audio and / or audiovisual broadcasting and services of society Information provided to profit on the basis of the limited access,

b) the provision of limited access services referred to in the letter "a" of this section.

42. "On-demand audio and audiovisual media services" mean the non-linear audiovisual media services provided by a media services provider at the moment chosen by the user and upon an individual demand of the user at his individual request on the basis of the catalogue of programmes provided by the media service provider;

43. "Audiovisual media service" means a service under the editorial responsibility of a media service operator, whose main goal is to provide informational, entertaining or educative programmes, to the wide public through electronic communications networks. One such audiovisual media service is either a television broadcast or a audiovisual media service, according to the request and/or audiovisual commercial communication, as defined in this law.

44. "Widescreen television service" means a television service that consists wholly or partly of programs produced to be displayed in a widescreen format. The reference format for wide screen television service is the format 16:9.

44/1. Video sharing platform service shall refer to a service primarily designed, or having a distinct segment, or a crucial function within the service, dedicated to offering user-generated programs, videos, or a combination thereof, with the intention of informing, entertaining, or educating the general public. This is done through an electronic communications network, and notably, the provider of the video distribution platform holds no editorial responsibility for the content. The organization of the content, including the use of automated tools or algorithms for functions such as display, tagging, and ranking, is determined by the video distribution platform provider itself

44/2. "Parent company, branch of the company" shall have the same meaning as the terms used in the law "On merchants and commercial companies in the Republic of Albania, as regards the parent relationship and controlled companies.

45. "Teleshopping" means the broadcasted programs, which constitute a direct provision to the public for the sale or provision of goods, services, or other real estate or intellectual property.

46. "Nonlinear Broadcasting" means the provision of the audio and / or audiovisual programme service for reception, according to individual demand and time selected by the user.

47. "Linear broadcasting" means the provision of the audio and / or audiovisual programme service for simultaneous reception from listeners and / or viewers.

48. "Free broadcasting" means the broadcasting, for the reception of which is not paid any fee to the subject that provides this service.

49. "Community Broadcasting" means the audio broadcasts to the community, provided not for profitable purposes, separate from the public and private broadcasting service provided under the provisions of this law, for social development and satisfaction of community interests.

They are considered as community broadcasting the special audio broadcasts intended only for people with partial or full visual impairments.

50. "Television broadcasting" is a linear broadcast of a broadcasting service provided by AAMSP for simultaneous viewing of programs on the basis of a programme scheme.

50/1. "Editorial decision" means the decision taken regularly to exercise editorial responsibility according to the provisions of this law for the daily operation of the audiovisual media service.

51. "Product placement" means any form of audio and/or audiovisual communication with commercial nature, which include or refer to a product, service or trademark, displayed or mentioned in a broadcast, against payment or other similar benefits.

52. "European works" are:

a) works originating in Member States of the European Union;  
b) works originating in countries which are party to the European Convention on Transfrontier Television of the Council of Europe, ratified by the Assembly of Albania by law no. 8525, dated 09.09.1999 "On the Ratification of the European Convention on Transfrontier Television" and that meet the requirements specified in the letter "c" of this section;

c) works mentioned in the letters "a" and "b" of this section are mainly produced by authors and works with employees who reside in one of the Member States referred to in the letter "a" and "b" of this section and that fulfil one of the following conditions:

i) are produced by one or more producers established in one or more of these states;  
ii) the production of works is controlled and effectively monitored by one or more manufacturers established in one or more of these states;

iii) the contribution of co-producers of these states, in the total cost of common product, is dominant and the co-production is controlled by one or more producers established in these states;

d) co-produced works in the framework of agreements related to the audio and/or audiovisual broadcasting sector, concluded between the EU and third countries and that satisfy the conditions set out in these agreements;

e) works which are not European within the meaning of the letters "a" and "b" of this section, but that are produced within the framework of bilateral agreements for joint (common) production, concluded between the European Union member states and third countries are considered European works, when co-producers from the European Union provide the majority of the costs of production and when production is not controlled by one or more producers established outside the territory of the European Union member states.

52/1. "User-generated video" means a set of moving images with or without sound, which constitute an individual element, regardless of its length, that is generated by a user and uploaded to a video sharing platform by that user or any other user.

53. "Radio-televising broadcasting reception area" means the territory in which the signal intensity complies with the quality criteria for signal reception prescribed by international acts on radio-televising broadcasting.

#### Article 4

#### **The main principals on the activity of media service providers**

*the letter "db" was added by Law No. 30/2023, dated 13.4.2023)*

1. The audio-visual broadcasting is evolved according to these principles:

a) the activity of audio-visual broadcasting is free;

b) the activity of audio-visual broadcasting respects impartially the right for information, political and religious convictions, personality, dignity and other fundamental human rights and freedoms. This activity respects especially the interests and legal and moral requirements on the protection of minors;

c) the activity of audio-visual broadcasting does not allow the breach of the constitutional order, sovereignty and national integrity;

d) the activity of audio-visual broadcasting ensures objective and impartial information of the public, presenting accurately facts and events, and also by respecting the free formation of the opinion;

e) the activity of audio-visual broadcasting guarantees the right of every citizen to receive services of audio and audio-visual broadcasting provided to the public by audio-visual services operators that exercise their activity in the territory of the Republic of Albania.

f) the practice of audiovisual broadcasting shall ensure adherence to the principles of gender equality and non-discrimination, prohibiting sexism in the media and promoting gender representation in accordance with the applicable legislation

2. The electronic media service operators during their activity, are guided by these principles:

a) guaranteeing the freedom of expression,

b) guaranteeing the right for information,

c) keeping the secret of information sources,

d) respecting and guaranteeing the protection of private life.

e) prohibition of the broadcasts that simulate the intolerance among countries;

f) prohibition of broadcasts that simulate or justify violence;

g) guaranteeing the right of answer;

guaranteeing the copyright and other rights related to it;

h) respecting the good neighbourhood among populations;

i) respecting the literary standard of the Albanian language.

## Article 5

### **The freedom of reception and re-broadcasting**

Albania secures the freedom of reception and re-broadcasting from the European Union Member states and from third European states, that are members to the European Convention on Transfrontier Television of the Council of Europe, and in special cases it can limit the freedom of broadcasting such services only pursuant to this international agreement and to this law.

## CHAPTER II

### AUDIOVISUAL MEDIA AUTHORITY (AMA)

## Article 6

### **AMA's Status.**

1. AMA represents the regulatory authority in the field of audio and audiovisual broadcasting services, the supportive services and electronic media services in the territory of the Republic of Albania.

2. AMA is a legal person, independent body, head quartered in Tirana.

3. AMA operates pursuant to and for the implementation of the provisions of this law and in accordance with the legislation in force in the Republic of Albania

#### Article 7

##### **Non-compliance and conflict of interest**

1. The AMA Board members cannot be individuals who are:

a) members of parties and of political associations, run for MPs or have been elected MPs during the two recent legislatures, individuals who have run for mayors in the latest elections or have exerted the task of a mayor in the past, of the member of the Council of Ministers or the Prefect over the last three years, as well as the ones who are members of the Council of Complaints, EPCA or staff of the latter.

b) are related persons, according to the provisions of Law No. 07.04.2005 “On the prevention of the conflict of interests in the exercising public functions”, or own a part of the capital or shares of the commercial companies as well as other rights in the audio-visual media field, advertisement, products of content of the audio-visual broadcasts, networks of the electronic communication or employed people, members of the steering or advisory bodies of these structures or related to these entities by other contracts.

2. AMA Board members should declare:

a) any interest or connection with any entity licensed by AMA,

b) any potential interest in any license that the AMA has realized/given or aims at realizing, and cannot take part in the discussion or decision-making of issues related to these interests or connection, that are subject to disqualification, pursuant to the article 37 of the Administrative Procedure Code

3. The AMA drafts a code of conduct for adjusting its activity for issues defined in clause 2, pursuant to the specifications of this Law and Law No 9367, dated 7.4.2005 “On the prevention of the conflict of interest in exercising public functions” and approves codes of the applicable to AMA’s administration and boards that can be established.

4. AMA members are not allowed to express or hold public positions that violate their impartiality, in relation to the interests defined in point 2 under this Article.

5. AMA members must not be financially or politically influenced and must act at all times in fulfilling and advancing the AMA's objectives.

#### Article 8

##### **Composition of AMA**

*(Amended with Clause 3 of Law no. 30/2023, dated 13.4.2023)*

1. AMA is composed of the Chair, the Vice Chair and 5 members.

2. Candidates for members in the AMA can be every person who has a work experience not less than 10 years in the fields of:

a) Media in general,

b) Public, commercial or non-commercial service of audio-visual broadcasts,

c) Audio-visual broadcast’s content products,

d) Media technologies,

e) Economy, administration and rules of competition,

f) Issues of development of Albanian language

g) Issues related to people with special needs, and to other vulnerable groups, ë) Art, culture and music

h) Justice, law or public administration,



- i) Science, environment and technology development;
- j) Consumer protection,
- k) social, educational activities and activities for development of local, public and national entities that are related or have a direct impact on the audio-visual activities, as defined under this Law

3. The Chair and Vice Chair of the AMA Board are appointed full-time with the respective salary determined in accordance with the legislation in force on payments, remunerations and independent constitutional institutions and other autonomous institutions established in compliance with the legislation in force. Remuneration of the 7 members is at 20 percent of the Chair's salary for presence in every meeting. Remuneration is entitled to no more than three meetings held in a month provided that the presence is met.

## Article 9

### **Election of AMA's board members**

1. AMA members are appointed by the Assembly for a 5-year term, with the right of renewal only once.

2. The Committee of Education and Public Information Means, within 30 days upon announcement of a vacant position, launches a public call, inviting the following subjects to submit the candidacies:

- a) electronic media associations or groups;
- b) press media associations;
- c) electric and electronic engineering professors and associations;
- d) professors of law, of journalism-communication and economy, lawyer associations or the National Bar Chamber;
- e) non-profitable organizations working in the field of human rights, child rights or researches in public policies, or representatives of associations that operate in the field of disabled persons and people with special need protection.

The above candidates propose the candidacies within 30 days from the receipt of invitation

3. The Education and Public Information Means Committee, makes the selection in compliance with the Articles 7 and 8 of this law, at least among 4 candidacies for each seat of AMA Board member.

4. In order to select the alternative candidates for each seat of the AMA Board member, The Education and Public Information Means Committee, applies the following procedure:

- a) considers all the candidacies presented from proposing subjects,
- b) the administered candidacies, compliant to the above-cited proposals, undergo a selection procedure one by one. The selection procedure is applied according to an order - one from the Assembly majority representatives and ones from the opposition members.

In each case, the Committee considers with due care the balance keeping, three candidates supported by the Assembly majority, three supported from the opposition. The candidates for AMA Board members are proposed to the plenary session for approval.

The selection of each candidacy must be argued by guaranteeing the compliance with the principle of non-violation of the personal and professional integrity of candidates

5. At the end of mandate, the AMA Board member remains on duty until the election of the new member

## Article 10

### **AMA's Chair Election**

1. The seventh member and also Chair of the AMA Board, is elected no later than 10 days after the procedure for electing members of the AMA Board, according to Article 9 of this law.

2. Not later than 30 days before the end of the term of office of AMA's Chair the Assembly of Albania publishes the announcement for the vacancy of AMA's Chair. Every citizen who meets the provisions of Article 7 and 8 of this law may be presented as a candidate for the Chair of the AMA Board. Application must be accompanied by documentation proving the fulfilment of the legal criteria for the AMA's member.

3. The list of candidates is submitted to the Education and Public Information Means Committee to verify the fulfilment of the criteria defined in this law. This list cannot include or, if included, proposed candidates are not eligible according to paragraph 4 of Article 9 of this law. The Committee, after verifying the candidacies, applies the procedure as follows:

- a) the committee identifies the four candidates who received the greatest support among the committee members. Each committee member can support up to four candidates;
- b) if two or more candidates have the same support, their selection is done by lot;
- c) The representatives of the Assembly minority representatives in the Committee exclude two of the four short-listed candidates. The remaining candidates pass to the Assembly for voting;
- d) The Chair of the AMA Board is elected the candidate who receives more than half of the votes of members of the Assembly (MP)

#### Article 11

##### **AMA's Vice-Chair**

1. AMA selects as vice chair one of AMA members, selected on the basis of the opposition's proposal support, according to clause 4 of Article 9 of this law

2. Selection takes place by secret ballot, according to the following procedure:

- a) on a ballot paper are written the names of three members of the AMA Board, according to clause 1 of this Article;
- b) each of the members vote by making the respective mark for one of the names in the ballot paper;
- c) a member who has received 5 votes is elected as AMA Board's deputy chair.
- d) Whether none of the candidates received the required number of votes, then is made a second round of voting. The member who receives the most votes in the second round is elected as the Vice Chair of the AMA Board. The voting takes place within the same day.

3. The meeting for the election of the Vice Chair, when the Chair is absent, is chaired by the oldest member (in age) of the AMA and the election procedure must be performed in the presence of a Public Notary.

#### Article 12

##### **Dismissal**

1. The Chair, Vice Chair or any AMA Board members is dismissed (removed) from duty by the body that appointed on duty in cases as follows:

- a) is convicted from the court with a final decisions for having committed of a criminal offence;
- b) becomes permanently incapable to work due to health conditions;
- c) fails to attend in over 1/3 of AMA's meetings within one year;
- d) is certified that have been violated the obligations of the article 7 of this law;
- e) is removed the ability to act;
- f) he or she resigns

2. The dismissal of a member of the AMA may be required by the Education and Public Information Means Committee or by not less than 5 members of the AMA Board. The Assembly shall review the application within 10 days

3. Before an AMA member is dismissed, he/she is given an opportunity to present his/her claims to the Committee on Education and Media. The decision to dismiss the Chair, Vice-Chair, one member or more than one member must be based on the law and grounded for the reasons leading to their dismissal. The decision of the Assembly is published.

4. The Chair, Vice-Chair and any AMA's member may resign in a written form at any time. The resignation is presented to the AMA at the next meeting and sent to the Assembly as soon as possible.

5. When one of the cases defined in paragraph 1 of this Article is found, AMA's Chair notifies the Assembly in a written form within 5 days.

6. In any case of dismissal, a replacement is selected, following the procedure provided for the selection and for a time equal to the time left by the predecessor who was dismissed.

#### Article 13

### **Quorum and decision-making**

1. AMA's meetings are valid when no less than four members take part.

2. AMA's decisions are valid when the majority of members vote in favour, excluding cases provided differently by this law

3. AMA Board meetings are held pursuant to the internal regulation approved by the AMA and are called according to a preliminarily approved schedule by the Chair or at least by three members.

4. In cases when the voting result is equal (runoff) and the voting process has not been secret, the Chair's vote is final.

5. The decision-making procedure, their execution and the call of meetings out of the schedule, are compiled according to the provisions of the Law No. 8480 dated on 27.05.1999 "On the functioning of collegial bodies of the state administration and public entities" and are part of the Internal Regulation. The regulation is proposed by the Chair and approved by qualified majority

#### Article 14

### **AMA's Chair Competencies**

1. The chair is the leader of the AMA and is responsible according to the provisions of the Article 8 of the Law No. 10296 dated on 08.07.2010 "On financial management and audit".

2. Chair has tasks as follows:

a) Organizes, coordinates and oversees AMA's meetings and activities. In cooperation with the Secretary General leads the activity of AMA administration in compliance with this Law and AMA's regulations;

b) Proposes to the AMA the subject of meetings, agenda, issues to be examined together with the relevant draft-decisions and reports;

c) Represents the AMA in relations with third parties and with international organizations;

d) Informs the Assembly on AMA annual activity.

3. In function of the Chair's tasks, orders and instructions compliant to the internal regulation are issued.

4. At the absence of the Chair, or subject to delegation of tasks, the functions are carried out by the Vice Chair

#### Article 15

## **AMA's Organization and Administration**

1. AMA's administration acts and realizes all the necessary preparatory and administrative activity. The recruitment and promotion criteria are set by the AMA, as per the definitions of Law No 8549, dated 11.11.1999 "On the Status of Civil Servants".
2. The structure and organizational chart of the AMA are proposed by this institution and adopted by the Assembly.
3. The AMA administration is led by the Secretary General.
4. The Social insurance, supplementary pensions and other legal privileges in force for institutions of the same level are also applicable to the AMA administration.

### **Article 16 AMA's Secretary General**

1. The AMA Secretary General is the highest ranking servant in the administration of the AMA and is responsible in front of the AMA for running the administration and has managerial responsibility of the authorized employee, according to the provisions of the article 9 of the Law No. 10206 dated on 08.07.2010 "On financial management and audit"
2. The Secretary General performs his functions as per the instruction and directions defined by the AMA and he is responsible toward it for the way of implementation of his tasks.
3. The Secretary General can delegate some of his functions to another administration member, according to his need and his assessment, unless such delegation is not possible.
4. The secretary General is chosen by AMA from the winning candidates list of a public competition, compliant to the specifications of Law 8549, dated 11.11.1999 "On the Status of the Civil Servant"

### **Article 17 The Duties of the Secretary General**

The Secretary General is responsible as follows:

- a) progress of financial and other AMA resource management, record of accounts and supervision of reports issued for this purpose by the High State Audit,
- b) assessment of systematization, procedures and practices in realizing AMA financial efficiency while exerting its own functions;
- c) any issue related to or affecting AMA activity presented in the annual High State Audit report, submitted by the latter to the Assembly.
- d) any issue related to the expenditure of funds allocated by the state budget for separate projects,
- e) administration issues of human resources and execution of the legislation into power for the civil servant

### **Article 18 AMA Activity Objectives**

1. The AMA, while performing its own functions, shall make sure that:
  - a) media services which fall under the scope of this Law best serve the needs of the citizens of the Republic of Albania, taking into account the language and the variety of traditions, religious beliefs, culture and moral of the citizens;

- b) preserves and supports the democratic values defined in the Republic of Albania, and in particular the freedom of expression and of media,
- c) provides free and various media services which fall under the scope of this Law
- 2. AMA shall encourage:
  - a) the promotion of multiple and free programmes and publications,
  - b) ensuring of multiple and various programmes of a high quality and new programmes from the public and private AAMSP;
  - c) facilities for the public service broadcasters in fulfilling their objectives as stipulated in this Law;
  - d) increase of the variety of audio-visual services,
  - e) establishment of a regulatory environment that facilitates development of the broadcast sector in Albania that is attentive to the needs of the audience and viewers and especially for persons with special senses' needs (disabilities).
  - f) development of broadcasting services and programs in the Albanian language.
- 3. AMA, while performing its own functions, shall make sure that the taking of necessary measures
  - a) is proportional with the objectives set out under this Article;
  - b) will approve rules that aim the stable development for AAMSP;
  - c) makes possible and simulates the technological development and its execution on the broadcasting sector.

#### Article 19

#### **AMA's Functions**

*(As amended letter "j" under point 1, letter "d" under point 2, added letter "e" under point 2 and point 18 of the Law no 30/2023, dated 13.4.2023)*

- 1. AMA's main functions are:
  - a) proposals and applications review for the exercise of broadcasting services, including applications for digital broadcasting and the granting of the relevant authorizations or licenses, in accordance with this law, including the services provided by RTSH (Albanian Public Radio Television);
  - b) Issuance and revocation of licenses and/or authorizations by qualified majority;
  - c) ensuring fair competition, while continuously ensuring the further development of RTSH (ART);
  - d) cooperating with the Consumer Protection Commission to guarantee the protection of consumers in the field of electronic media, in the case of dishonest practices of AMPs and the provision of services at abusive prices;
  - e) development of strategies for the provision of broadcasting services in the Republic of Albania;
  - f) supervision of the implementation of the service contract concluded with ART;
  - g) the development and approval of the code and audio-visual broadcasting regulations and other sublegal acts, in accordance with this law;
  - h) drafting and approval of regulations on the procedures and criteria for granting licenses and / or authorizations under the provisions of this law;
  - i) determination of fees for licenses;
  - j) preparation and issuance of guidelines for ART, concerning the fulfilling of its obligations;
  - k) determination of the criteria and regulatory measures for the co-usage of ART broadcasting infrastructure
  - l) the resolution of disputes between the providers of audio or audio-visual broadcasting services, including disputes with public broadcaster;

m) co-operation with the Minister for the drafting of the National Frequency Plan;  
n) cooperation and consultation with NAECES (National Authority for Electronic Certification and Cyber Security), EPCA, the Copyright Directorate and other bodies in fulfilling the obligations set by Law.

2. AMA furthermore to the above functions:

- a) collects, administrates and publishes information on the broadcast sector in the Republic of Albania, including the applied technology,
- b) supervises the development of electronic media activities at national and international level;
- c) realizes, organizes, supports and promotes research regarding the electronic media issues;
- d) cooperates with other bodies, including the representative bodies within the electronic media sector to help in the training activity in the electronic media sector;
- e) cooperates with the homologue bodies of other states and with the European regulators group and audiovisual media services (ERGA);
- f) undertakes, encourages and takes care of research and other relevant activities, that have to do with the role of media, including cooperation with the broadcaster and other field entities;
- g) fulfils effectively the objectives set out in Article 18 under this law;
- h) Promotes and encourages public awareness, research and activities related to media education, including public awareness on video sharing platform providers.

3. AMA supervises the implementation of this law by the entities that exercise their activity in the field of electronic media and, in case of violations, it imposes sanctions.

4. AMA monitors the integrity of programs transmitted by the AAMSP.

5. AMA guides the Albanian AAMSP for broadcasting from Albania toward other countries, in accordance with international or regional acts, in which the Republic of Albania is a party

6. AMA, for the implementation of the sanctions provided in this law, cooperates with other public bodies, according to their competence.

7. The AMA requires from state administration, courts, banks and other relevant bodies, as well as holders of licensed entities - the information it deems necessary to control the accuracy of the data submitted by the applicant. These data are used only for the implementation of the tasks assigned by this law. Their spreading and publication is not permitted.

8. The AMA gives the opinion in general from electronic media activity and in particular about audiovisual media activity upon request or mainly.

9. The AMA officially expresses its proposal on the signing and on the correct application of international agreements dealing with audiovisual media

10. The AMA participates in international activities related to strategy and development prospects of audiovisual media in particular and electronic media services in general, representing the Republic of Albania and it supports the participation and cooperation of public and private subjects with homologue European and world organizations in the field of media. The AMA prepares studies with recommendations for the position of the Republic of Albania in official international negotiations on electronic media.

11. The AMA suggests modifications of legislation and regulations, which are dictated by technological development, economic, social and cultural development in the field of media services.

12. The AMA drafts and approves the internal rules of its administration.

13. The AMA approves its annual draft-budget, reviews and approves the annual balance sheet and annual report on its activities before being presented to the Assembly.

14. AMA participates in international activities related to the strategy and development prospects of audiovisual media in particular and the electronic media services in general, representing the Republic of Albania and it supports the participation of public and private entities and their cooperation with homologous European and world organizations. At the beginning of each year, the AMA reports for its annual activity, developments in the field of broadcasting and how have been respected by the public and private network the obligations arising from this law.

15. The report is presented to the Education and Means of Public Information Committee and to the Assembly in plenary session.
16. The AMA controls the quality of reception of signals in coverage areas and seeks solutions to public complaints about the quality of the of audiovisual signals' broadcasting.
17. The AMA makes decisions in accordance with its functions and this law.
18. The AMA proposes to the Assembly the organizational structure of the institution. The AMA provides effective use of financial resources
19. AMA determines the composition, duties and remuneration of the technical secretariat, duly established in order to organize and run its meetings.

## Article 20

### **Council of Complaints**

1. The Council of Complaints is selected by AMA by a qualified majority and is composed of the Chairperson and four members, specialists of the media field, and lawyers, who are appointed for a 3-year term, with a renewal right of not more than once.
2. The scope of the work of the Council of Complaints is the supervision of the implementation of the code and regulations approved by the AMA, which are particularly related to the respect of dignity and other basic human rights, in particular the protection of children, the right to information and sensitizing public opinion, regarding the respect of moral and ethical norms in the programs of audiovisual service providers.
3. The main functions of the Council of Complaints, in fulfilment of the scope of its work, are:
  - a) supervise the implementation of codes and regulations the AAMSP, EPSP and ART, as provisions of this Law;
  - b) examine the complaints under Articles 51, 51/1, 52 and 53 and 53/1 of this Law
4. Accomplish its functions, the Council of Complaints relies on other structures of the AMA.
5. Council of Complaints periodically follows the extent to which a foreign broadcaster's programs, that are wholly or mostly directed to spectators in the Republic of Albania solely for informational purposes, in order to be compliant with the broadcasting codes
6. Council of Complaints, with independent expertise, can organize public surveys on ethical issues related to the programs. The conclusions derived from the surveys study and public complaints are reported to AMA, suggesting the measures for improvement. The results can be published in public information means
7. Every 6 months, the Council of Complaints publishes a summary of the conclusions drawn on the basis of clause 6 of this Article, in a special bulletin published by the AMA.
8. The salary of the Council of Complaints members shall be determined in accordance with applicable legislation and shall be covered by AMA's budget.

## Article 21

### **AMA's Strategy**

1. The AMA drafts and approves a strategy reflecting the own way of realisation of its legal functions.
2. The strategy should:
  - a) include the main aims and activities in the fulfilment of the AMA's objectives and the way for to accomplish the objectives;
  - b) be prepared taking in consideration also:
    - i) The Assembly requirements,
    - ii) The suggestions of the Minister,

- iii) The suggestions of the EPCA, Authority of Competition and other institutions,
- c) take into account the need for assuring the most fruitful, utile and beneficiary use of its own resources include a fruitful and beneficiary study of the strategy during its implementation time, by excluding the first strategy;
- d) priorly approved within 5 months from the entry of this Law in effect, and then once in three years, include an action-plan of AMA regarding the number, aim and nature of authorizations and/or licenses proposed to be realized over the duration covered by the strategy
- 3. AMA, for the preparation of the strategy, consults with the Council. of Complaints
- 4. Prior to the adoption of the strategy, the AMA undertakes a public consultation process with the various interest groups related to the draft strategy.

## Article 22 **Minister's Role**

- 1 Submits to the Council of Ministers the proposals for policy development of media services and oversees due implementation.
- 2 Proposes legal acts and regulations for the development of electronic communications networks that support audio and/or audiovisual broadcasting together with the electronic publication.
- 3 Submits to the Council of Ministers for approval the National Frequency Plan, as well as works on the harmonization of this plan with international development policies of the frequency spectrum.
- 4 Monitors the implementation of obligations under international treaties, where the Republic of Albania adheres for the electronic communications networks that support the electronic media services

## Article 23 **AMA's Powers**

- 1. For the full realization of its functions, AMA has the following powers:
  - a) issues licenses and/or authorizations;
  - b) requires the holders of licenses and/or authorizations to pay the financial obligations toward the AMA;
  - c) ensures the implementation of the terms of licenses and/or authorizations issued by it.
  - d) undertakes, supports or authorizes studies.
- 2. AMA, for the realization of its function, manages its funds under the legislation into force.

## Article 24 **AMA's Financing**

- 1. The financing resources for AMA are:
  - a) income from payments for obtaining and renewing licenses and/or authorizations;
  - b) income from annual fees for licenses and/or authorizations;
  - c) revenues from the administrative processing of application requests;
  - d) revenues from tariffs for broadcasting services specified in fiscal laws, in the role of tax agent;
  - e) financing from the State Budget;



f) other legal sources.

2. The AMA receives financing from the state budget when estimates that some costs are necessary for performing its functions, of a special nature and for which there is no other financing possibility.

#### Article 25

##### **Determination of Levies**

1 . In order to cover the necessary expenses for performing its own functions, AMA determines, by a special decision, all fees for licenses and / or authorizations of audio and audio-visual broadcasting service providers, other services, and also payments for administrative processing audio-visual broadcasting service providers, other services, and also payments for administrative processing.

2 Fees are determined based on the principle of objectivity, transparency, non-discrimination and proportionality. Fees are different for public, commercial, local broadcasters' service and for different categories of licenses and/or authorizations. Community radio licenses are exempt from charges/fees.

3 The decision on fees' determination shall specify the manner of collection, payment, management, including as follows:

- a) The methodology of calculation of the relevant fee;
- b) The time and form of realization of payment;
- c) The way of recording and supervising the fees

4 The payment for the receipt of licenses or authorization is made at the time of receiving the license or authorization. Annual payments are made within the first quarter of each calendar year.

5 Any surplus from the incomes of fees/payments, remaining from the relevant AMA's functional expenses, at the end of the financial year, is kept at AMA's accounts and is included in next year's expenditure plan and must be taken into account in the review of the respective payments for license.

6 AMA conducts periodic review of these payments to reflect its administrative costs.

7 The decision on the determination of fees/payments has to be published in the Official Gazette.

#### Article 26

##### **Payment Types**

Payment Types are as follows:

- a) Fee for the receipt of license and/or authorization;
- b) Annual fee for license and/or authorization;
- c) fee for processing the application, documentation, changes to the license and / or authorization

#### Article 27

##### **Management of accounts and audit**

1. AMA keeps the account of incomes and expenses in accordance with Albanian Accounting Legislation in force.

2. The AMA publishes on its website, a part or all expenses and incomes.

#### Article 28

##### **Reporting**

1. AMA reports to the Assembly no later than the 31st of March of each year on the ways of fulfilment of its own functions and activities for the preceding year. An annual report should include the details determined for any kind of scheme mentioned in Chapter X of this Law.

2. The annual report should include the broadcasting developments for persons with special senses needs and in particular the development achieved for the reasons determined in the broadcasting regulation

3. The annual report shall include data on participation of AMA members in the meeting of the previous year.

4. AMA, apart from the annual report, can submit reports on its own functions, pursuant to the request of the Assembly to the Education and Means of Public Information Committee.

#### Article 29

### **Evaluation of effects on the broadcasting market**

1. The AMA, for performing the evaluation of effects in the broadcast field examines the amount in which the broadcast development affects:

a) quality, possibility of providing and choice as well as reception of services from viewers and listeners audience.

b) existence of such services in the broadcasting sector,

c) effects of technology developments, novelties and investments in this field,

d) broadcast-related markets

e) other issues that AMA assesses reasonable for this purpose.

2. The AMA makes the periodical analysis of various effects in the broadcasting market with the aim of exerting its regulatory functions as appropriately as possible. To this end, AMA can cooperate with the relevant public institutions and with the media broadcasts service providers

## CHAPTER II

### **CONDITIONS AND OBLIGATIONS FOR BROADCASTING SERVICES**

#### Article 30

### **Media and/or audiovisual service providers under the jurisdiction of the Republic of Albania**

*(As amended items 2 and 3 and added items 8 and 9 with Law no. 30/2023, dated 13.4.2023)*

1. The audio and/or audiovisual media service provider is under the jurisdiction of the Republic of Albania when its headquarters or management structure is within the territory of the Republic of Albania and the editorial decision-making for the audio and/or audiovisual services is realized within this territory.

2. In case the headquarters of a media service provider are located in the territory of the Republic of Albania, but the editorial decision-making regarding audio and/or audiovisual services is carried out in an EU country, it is presumed that the media service provider is under the jurisdiction of the Republic of Albania provided that the majority of the staff that is engaged in the media service provider's programs production work in Albania.

3. When a significant part of the staff that is engaged in media service activities' program production operates in the Republic of Albania and in an EU country, the media service provider is considered to be located in the Republic of Albania, in case its headquarters are located in the Republic of Albania;

4. In case when a significant proportion of staff in the activities of the media services does not operates either in Albania or in a EU member state,

the media service provider is considered to be located in the Republic of Albania, if its activity started for the first time in this country, in accordance with Albanian legislation, provided that he maintains stable and efficient relations with the Albanian economy

5. The provisions of this Law shall also apply to those media services that, although not included in paragraph 1 and 1 of this Article:

- a) use a satellite connection from the territory of the Republic of Albania;
- b) do not use a satellite connection from the territory of the Republic of Albania, but use satellite broadcasting space and resources belonging to the Republic of Albania.

6. When an electronic media service provider has its headquarters in the Republic of Albania, but the decisions of/this media services are made in a third country, or vice versa, the provider is presumed to be located in the Republic of Albania, provided that most of the staff manpower engaged in the activities of media or audiovisual media services operates in the Republic of Albania.

7. Whether the jurisdiction cannot be determined under paragraphs 2 to 6 of this Article, AMSP shall be located at the competent Member State, in terms of Articles 49 and 50 of the Stabilisation and Association Agreement between the Republic of Albania, EU and its member states.

On the membership date of the Republic of Albania in the European Union, the issue of jurisdiction, in accordance with paragraph 6 of this Article, shall be resolved in accordance with Articles 49 to 55 of the Treaty on the Functioning of the European Union.

8. The audio or audiovisual media service provider shall inform AMA on any change affecting the definition of jurisdiction pursuant to this provision.

9. AMA shall publish and update the list of audio and audiovisual media service providers under the jurisdiction of the Republic of Albania.

#### Article 30/1

### **Video sharing platform service providers in the jurisdiction of Republic of Albania**

*(added by Law No. 30/2023, dated 13.4.2023)*

1 The video sharing platform service provider is under the jurisdiction of the Republic of Albania when its office or management structure is located in the territory of the Republic of Albania.

2 The video sharing platform service provider, which is not established in the Republic of Albania according to the provisions of Clause 1, is considered to be under the jurisdiction of the Republic of Albania if:

- a) the parent company or one of its branches is established in the territory of the Republic of Albania;
- b) the video sharing platform service provider is part of a group and another company of that group is established in the territory of the Republic of Albania.

3 Video sharing platform service providers shall inform AMA on the provider's name, video sharing platform service provider center address, contact details, including the platform's email address.

4 Video sharing platform service providers shall inform the AMA of any change affecting the definition of jurisdiction pursuant to this provision.

5 AMA shall create and update the list of video sharing platform providers under the jurisdiction of the Republic of Albania.

#### Article 30/2

**Self-regulation and co-regulation**  
(added by Law No. 30/2023, dated 13.4.2023)

1. AMA shall encourage AAMSPs to prepare codes of conduct that define the standards and practices to be followed by media service providers that provide audio and audiovisual media services. AMA shall encourage video sharing platforms providers to prepare codes of conduct that define the standards and practices to be followed by these platforms.

2. Codes of conduct shall:

- a) be compiled in the way that are widely accepted by stakeholders;
- b) clearly and unequivocally stipulate their objectives;
- c) guarantee respect for human dignity, the basic rights and freedoms of a person or group of persons in compliance with the applicable legislation;
- d) provide a regular, transparent and independent monitoring and evaluation of the aimed objectives achievement;
- e) ensure effective enforcement, including efficient and proportionate sanctions.

3. Audiovisual services providers, as well as video sharing platforms providers shall draft and implement codes of conduct as free agreements between them to implement ethical and professional requirements during the exercise of their duties in favour of increasing the quality and variety of audiovisual programs. Codes of conduct shall also be published on the websites of audiovisual media service providers and on the websites of video sharing platform providers.

Article 31

**Types of audio and/or audiovisual media service providers**

1. AAMSP-s shall be classified according to their form of ownership in the capital, the purpose of their activities, the form of the signal distribution and respective coverage of the territory.

2. AAMSPs can be:

- a) according to the form of ownership in the capital and purpose of activity - public, private, commercial or non commercial services;
- b) according to the way of distribution - terrestrial, satellite, cable, Internet TV, or in any other form;
- c) according to territory coverage - national, regional, local or cross-border.

Article 32

**General rules for audio and/or audiovisual media services providers and video sharing platforms providers**

*(title amended, letters "c" and "d" of Clause 1, Clause 4. added Clause 1/1 and 4/1 added by Law No. 30/2023, dated 13.4.2023)*

1. AAMSPs shall ensure that the recipient of the service is informed about:
- a) the name of the service provider;
  - b) address of his centre;
  - c) the data of the media service provider, including the electronic address or website, in order to be contacted quickly and directly;
  - d) the authority that supervises its activity pursuant to this law..

1/1. The audiovisual media services providers shall publish information about their ownership structure, including the beneficiary owners, according to the provisions of the applicable legislation.

2. AAMSPs shall make the identifier easily accessible directly and permanently to the service recipient.

3. Audio broadcasting service providers shall make the name of the audio service provider readily available at times specified by AMA.

4. Audiovisual media services providers, as well as of video sharing platforms providers, shall not broadcast programs with content that:

a) incite violence or hatred against a group of persons or a member of a group on basis of: sex, race, colour, ethnicity or social origin, genetic characteristics, language, religion, belief, political opinion, nationality, membership of a minority nationality, property, birth, disability, age or sexual orientation, as well as any other form of discrimination according to the applicable legislation on protection against discrimination;

b) encourage terrorist acts.

4/1. Pursuant to the principles defined in Article 4 of this law, the best European practices, as well as after a public consultation process, AMA shall determine by regulation the special requirements that the providers of video sharing platforms must fulfil for the creation and operation of the systems transparent, effective and user-friendly, in implementation of obligations in compliance with Clause 4 of this Article and Clause 4 of Article 32/1 of this Law.

5. Audiovisual broadcasting services shall consider the needs of people with special sensory needs.

6. AAMSPs should broadcast programs, including cinematographic works, in accordance with the terms and deadlines for which they have signed agreements with the rights holders of these works.

7.

#### Article 32/1

*(added by Law No. 30/2023, dated 13.4.2023)*

1 The audio and audiovisual programs provided by audiovisual media service providers that may harm the physical, mental or moral development of children will only broadcast in the way that ensures children to not normally hear or see them, by choosing the broadcast time, applying the age verification tools or other technical measures. AMSPs shall take protective measures in proportion to the effects these programs have on the moral, mental and physical development of children. The most harmful audio and audiovisual programs, such as: violence and pornography, shall be subject to stricter measures.

2 Children's personal data collected or generated by audiovisual media service providers shall not be processed for commercial purposes, such as direct marketing, profiling and behavioural advertising or for any other reason.

3 Audiovisual media service providers shall provide sufficient information on content that may harm the physical, mental or moral development of children. Audiovisual media services providers must use a system that describes the potentially harmful nature of the content of an audiovisual media service.”

4 Without prejudice to the provisions of Articles 15 to 20 of the Law "On Electronic Commerce", the video sharing platforms providers shall take the necessary measures to:

a) protect children from programs, user-generated videos, and commercial communications that may harm their mental, physical, or moral development;

b) protect the general public from programs, user-generated videos and audiovisual commercial communications with content that incites violence or hatred against a group of persons or members of a group;

c) protect the general public from programs, user-generated videos and audiovisual commercial communications with content, the sharing of which constitutes an activity that is a criminal offence under the applicable legislation, or incitement to commit a terrorist offence, constitutes a criminal offence regarding child pornography, racism or xenophobia.

#### Article 32/2

*(added by Law No. 30/2023, dated 13.4.2023)*

1 Audiovisual media service providers shall take proportionate measures so that the programs broadcast by them are gradually and progressively accessible to persons with special needs.

2 Audiovisual media service providers shall draft action plans on progressive access to the services provided by them by persons with special needs.

3 Audiovisual media service providers shall periodically inform AMA about the measures taken to fulfil the obligations provided for in Clause 1 and 2 of this Article within the calendar year.

4 AMA shall designate a contact point in its official website, easily accessible by persons with disabilities, for the provision of information and the receipt of complaints relating to the matters referred to in this article.

5 Audiovisual media service providers shall ensure that emergency information, including public communications and natural disaster announcements, is provided in a manner that is accessible to persons with special needs.

#### Article 32/3

*(added by Law No. 30/2023, dated 13.4.2023)*

1. Audiovisual media service providers shall take measures to provide appropriate space to programs of exclusive interest.

2. AMSPs shall not broadcast their programs and audiovisual media services in shortened form, altered, interrupted or duplicated for commercial purposes, without the consent of the audiovisual media service provider.

3. Clause 2 of this Article shall not apply in the following cases:

- a) the modification is performed by the recipient of the audiovisual media service for personal use;
- b) there is a technical requirement in order to use application program interfaces;
- c) on providing warning information or information of public interest;
- d) for subtitling purposes and using adaptation techniques (compression, resolution, coding) of audiovisual media services without changing the content provided.
- e) an audiovisual commercial communication is included by AMSP itself.

#### Article 33

#### **The Duties of the AAMSPs**

1. The audio and/or audiovisual media service providers shall:
  - a) report and present the news broadcast in a truthful, unbiased and objective way;
  - b) ensure that the management of events, including issues, which are topics of public debate, is fair to all subjects interested in these issues and is presented in a truthful and impartial way;
  - c) dedicate the necessary space in the broadcast to the issues of local current affairs;
  - d) not violate human dignity and fundamental rights;
  - e) respect the rules of ethics and public morals and not broadcast programs that may encourage criminal acts;
  - f) not violate the right to privacy of the individual's private life in any program transmitted by AAMSPs and the means used to carry out these programs;
  - g) not broadcast pornographic programs without ensuring the protection of children through limited access and parental control devices;
  - h) respect copyright, in accordance with the applicable legislation on copyright and other related rights;
  - i) ensure the protection of consumer rights;
  - j) submit the annual balance sheet to AMA no later than April 30 of each year.
2. The definitions of letters "a" and "b" of Clause 1 of this Article shall not prohibit AAMSP from broadcasting the activities of political parties. AAMSP, during this broadcast, must not show political bias.

#### Article 34

##### **Information broadcasted free of charge**

1. AMA shall set by rules the high interest messages to the general public, which AAMSP is obliged to broadcast free of charge.
2. State government and administration bodies shall be entitled to ask the AAMSP to communicate free of charge the short communications of special interest to the public in the areas where they are transmitted and dealing with the protection of health, natural disasters and human services, public order and national security.
3. Audio and audio-visual media service providers are not responsible for the content of these messages.

#### Article 35

##### **Promotion of European works**

1. The AAMSP-s shall reserve the majority of their broadcasting time to European works, excluding the time appointed to news, sports events, games, advertising, teletext services and direct TV sales.
2. This time, in accordance with Clause 1 of this article, is achieved gradually taking into account the informing responsibilities, the educational, cultural and recreational ones that the AAMSP has toward the public.
3. The clause 1 and 2 of this Article shall not apply to television broadcasts that are addressed to local audiences and that are not part of the national network.

#### Article 36

##### **Promotion of independent works**

1. AAMSPs shall be entitled for the promotion of independent works:
  - a) at least 10% of their broadcast time, excluding the time appointed to news, sports events, games, advertising, teletext services and direct TV sales;
  - b) at least 10% of their programming budget, for Albanian and European jobs created by manufacturers who are independent from broadcasters.
2. AAMSPs shall achieve the percentage, in accordance with Clause 1 of this Article, in a progressive manner:
  - a) Taking into account the informational, educational, cultural and entertaining responsibility that they have toward the public that watches them, and
  - b) Determining an appropriate percentage of recent European works, which means works broadcasted within five years from their production.
3. This Article shall not apply to television broadcasts that are addressed to local audiences and that are not part of the national network.

#### Article 37 **Recording of broadcasts**

- 1 AAMSP shall, with its means and equipment and in a method determined for this purpose by AMA, maintain the catalogue of programmes and record any broadcast or programme provided by in accordance with the license.
- 2 Records made according to Clause 1 of this Article shall be maintained by AAMSP for a 3 month period.
- 3 In cases of a complaint review, according to definitions of Article 52 of this Law, the broadcast's recording to which the complaint is related, and the record that is considered to be related to it, should be submitted to the Council of Complaints by AAMSP, upon a request of the latter within the period determined by this last one.
- 4 Keeping the records shall, according to Clause 1 of this Article, not violate the requirements of law on the Copyrights and other related rights for archives and protection of personal information.

### CHAPTER IV AUDIO AND/OR AUDIO-VISUAL COMMERCIAL COMMUNICATIONS AND ADVERTISING

#### Article 38 **Types of Advertising**

1. The following types of advertising may be inserted in the audio and/or audio-visual media programmes of AAMSP:
  - a) general advertising;
  - b) extended advertising;
  - c) split-screen advertising;
  - d) Secret advertising;
  - e) Interactive advertising;
  - f) virtual advertising;
2. The extended advertising shall meet the following conditions:
  - a) they must be identified as such for the whole period of their broadcast;
  - b) they shall not be broadcasted between 19:00 and 23:00.



3. Split-screen advertising shall meet the following conditions:
  - a) It may not take up more than one third of the screen space;
  - b) its space may not be subject to change;
  - c) it must be easily identifiable and clearly separated in the screen;
  - d) AAMSP may insert split-screen advertising in broadcasts produced by independent producers or other audio and audiovisual media service providers only with the respective permission of the holders of these products' rights.
  - e) It is calculated in the general advertising time.
4. The insertion of virtual advertising shall meet the following conditions:
  - a) the audiovisual media service provider shall inform for the existence of virtual advertising at the beginning and the end of the broadcast;
  - b) the audiovisual media service provider may not insert virtual advertising without the prior consent of the event organiser, broadcast producer or author;
  - c) the event organiser may not insert virtual advertising without prior consent from the audiovisual media services provider who has obtained the broadcasting right;
  - d) virtual advertising may not be placed or broadcasted by using physical persons;
  - e) virtual advertising may be placed only on spaces that are usually used for advertising. During sports games, virtual advertising may also be placed on the field of play outside during the time that the game is being evolved in this field.
5. Prior to accessing the contents of interactive advertising, a warning shall be displayed on the screen notifying the viewer that he/she is leaving the broadcast and entering to the interactive advertising. The restrictions on the amount and duration of advertising shall not apply to interactive advertising.
6. Direct teleshopping windows last minimally 15 minutes. There shall be no more than eight teleshopping windows per day. The total amount of their broadcasting time may not exceed three hours per day. These teleshopping windows shall be distinguished from the content of other broadcasts as such by appropriate audio and visual methods.
7. The rules defined in clause 2 of this article shall not apply to programs that broadcast teleshopping entirely. The insertion of advertisements in these programs shall be subject to the general rules for this purpose specified in this law.

#### Article 39

#### **Political advertising**

*(Amended with Law no. 91/2017, dated 22.5.2017)*

1. The advertising is considered political when:
  - a) It supports the interests of political parties, political groups or political leaders, looking for political purposes;
  - b) impacts a legal change;
  - c) impacts on a political or administrative decision;
  - d) affects the formation of public opinion, with regard to controversial political issues.
2. The advertising is considered political when its purchasers are:
  - a) political parties and institutions;
  - b) organizations that aim to support and undertake political activities;
  - c) organizations, platforms and groups that support a legal or normative change in order to protect their objectives;

d) any person or group who supports a particular project or political program.

3. During the electoral campaign, the political advertising broadcast shall be made under the provisions of Law No. 10 019, dated on 29.12.2008 "The Electoral Code of the Republic of Albania", as amended and Law No. 8580, dated 17.2.2000, "On political parties", as amended.

#### Article 40 **Institutional advertising**

1. The advertising is considered institutional when the only object of this advertising is to provide information on services of public institutions.

2. Direct or indirect encouraging of confusion regarding the identification of institutions with the features of political parties shall not be allowed.

3. During the electoral campaign period, the institutional advertising broadcast shall be made under the provisions of Law No. 10 019, dated on 29.12.2008 "The Electoral Code of the Republic of Albania", as amended.

#### Article 41 **Advertising and direct teleshopping**

*(Amended Clause 1 and added Clause 1/1 under Law No. 30/2023, dated 13.4.2023)*

1. Broadcasting a program on a broadcasting service may include the insertion of advertising and direct sales. Broadcasting of advertisements and direct sales during the time slot from 6:00 to 18:00 does not exceed 20% of this time slot. Broadcasting of advertisements and direct sales, during the time slot from 18:00 to 24:00, shall not exceed 20% of this time slot.

1/1. The provisions of Clause 1 shall not apply to

a) announcements made by AAMSP regarding its own programs and ancillary products derived directly from those programs or for audiovisual media programs and services from other entities belonging to the same television broadcasting group;

b) sponsorship announcements;

c) information which broadcasts free of charge;

d) product placements;

e) neutral frames that separate editorial content from audiovisual commercial communications.

2. AAMSP is not allowed to broadcast advertisements with political purposes or related to a judicial conflict.

3. The media service provider shall not broadcast advertisements that address a particular religious belief, or that are intended to advertise a religious belief or membership in a religious organization.

4. The definition in Clause 2 of this article shall not prevent AAMSP from presenting the activities of political entities, if AAMSP, during the time of this broadcasting, does not show any preference for any particular political force.

5. The definition in Clause 3 of this Article shall not prevent AAMSP from announcing that a newspaper, magazine or religious periodical has been put on sale or in circulation, as well as that an activity or ceremony will take place that is related to a certain faith.

6. The definitions in Clause 2 of this Article shall not apply to advertisements broadcast in the case of the election campaign, according to the definition of the Electoral Code.

7. The definition of advertising, according to this article, shall include the broadcast of sponsored programs, as well as programs prepared for advertising purposes or by an advertising entity.

## Article 42

### **Communications with commercial nature**

*(added words in Clause 4 and 7, as amended Clause 8, added Clause 7/1 and 9, with Law No. 30/2023, dated 13.4.2023)*

1. The communications with commercial nature in audio-visual broadcasts should be easily noticeable as such. Communications with a hidden commercial nature are prohibited.
2. Communications with commercial nature in audio-visual broadcasts are not allowed to use ways for seducing viewers in an irresponsible way or techniques for their suggestion.
3. Communications with commercial nature in audio-visual broadcasts are not allowed to:
  - a) affect human dignity;
  - b) include or support discrimination on sex, race, ethnic origin, national, age, belief, religion, incapacity or sexual orientation grounds;
  - c) encourage a harmful attitude for health and physical safety of individuals;
  - d) encourage behaviours or harmful actions for environmental protection.
4. All forms of commercial communications in audiovisual broadcasts about cigarettes, electronic cigarettes, refill containers and other tobacco products are prohibited.
5. The communications with commercial nature in audio-visual broadcasts on alcoholic beverages will not be allowed to refer mainly to minors but should avoid attendance by minors and should not encourage their excessive use by the adults;
6. Communications with commercial nature in audio-visual broadcasts on pharmaceutical products or products for medical treatments, given only by doctors prescription, are prohibited.
7. The communications with commercial nature in audio-visual broadcastings should prevent the cause of moral and physical damages to the minors, and shall not abusively expose minors in situations that are dangerous to them. For this purpose they should not encourage or push minors to buy or receive products or services, by encouraging them directly to require from parents or other relatives to receive the advertised goods for them, or utilizing the minors position in relation to parents, teachers, or other relatives of them. 7/1. Communications of a commercial nature in on-demand audiovisual services, with the exception of sponsorship and product placement, must comply with the criteria set forth in Clause 7, Article 7 of the law.
8. The AMA shall urge AAMSPs to draft codes of conduct that define standards and practices concerning inappropriate commercial communications for alcoholic beverages, and in relation to inappropriate commercial communications that accompany or are included in children's programs, of food and beverages that contain harmful or useless substances for their physical health, especially those with a high content of fat, fatty acids, salt, soda and sugar, that go beyond the allowed norms of a healthy diet for children. The codes of conduct will aim to effectively reduce children's exposure to commercial communications for these product categories, food/beverages, and ensure that these communications do not emphasize the positive qualities of the nutritional aspects of these products.
9. Obligations specified herein also apply in the case of communications of a commercial nature in programs, videos created by users on video sharing platforms.

## Article 43

### **Requirements for advertising and direct teleshopping**

*(As amended clauses 2 and 3, omitted words in clause 4 and added clauses 4/1, with law no. 30/2023, dated 13.4.2023)*

1. Advertising and direct teleshopping shall be distinguishable and different from other content that is under editorial responsibility and separate from other parts of the program content even when the broadcast simultaneously uses the visual and/or audio and/or division of the screen space.

2. Isolated advertising and direct sales spots are allowed in sports programs, constituting as an exception to the rules defined in paragraph 1 of this Article.

3. The broadcast of films, cinematographic works and news programs may be interrupted by advertisements, direct sales or both no more than every 30 minutes. This does not include series and documentaries.

4. Broadcasting of programs for children may be interrupted by advertising spots but not more frequently than once in 30 minutes, if the duration of the program is more than 30 minutes.

4/1. Insertion of direct sales during children's programs is prohibited.

5. Advertising and teleshopping is not allowed during programs of a religious nature.

6. Teleshopping for medicines, pharmaceutical products and medical services and prohibited.

7. Advertising and teleshopping on alcoholic beverages shall comply the following requirements:

a) they shall not be addressed minors and shall display minors consuming such beverages;

b) shall in no way be connected to the use of alcohol while driving on mention boosting of physical capacities of users due to alcohol consumption;

c) shall in no way create the feeling that the use of alcohol has an impact on the successful social or sexual performance of users;

d) shall not pretend to create the impression that the use of alcohol has curative or regeneration qualities or that is an encouraging, tranquilizing means that helps in resolving or facilitating personal conflicts;

e) shall not encourage the non-suitable use of alcohol or interpret the lack of use of alcohol in a negative viewpoint;

f) shall not highlight the high percentage of alcohol in a beverage as a positive quality of this beverage.

8. The insertion of advertisement and teleshopping in the audio-visual programs is made taking into account the fact that the interruptions have to be natural during the duration and nature of the program and shall respect the rights of viewers.

9. The direct teleshopping windows in the integrated screen or relevant programs shall be clearly identified as such through audio and audio-visual ways and shall last at least 15 minutes.

10. For the services of programs dedicated to advertising, direct teleshopping and self-advertising, the requirements of this law will be applied according to the principle *mutatis mutandis*.

#### Article 44

##### **Product placement during programs**

*(As amended clauses 1,4, words "a" of clauses 3 and 5, omitted clause 4 and word "d" of clause 3, with law no. 30/2023, dated 13.4.2023)*

1 Product Placement is permitted in media service providers' programming, except news, current issues, consumer issues, with religious nature and children's programs.

2 Repealed.

3 The programmes containing product placement shall meet the following conditions:

a) their content and arrangement within a schedule in the case of television broadcasts or within a catalogue in the case of on demand audiovisual media services, shall not be affected

in such a way as to affect the responsibility and editorial independence of the media service provider;

- b) they shall not directly encourage the reception or use of goods and services, in particular by making a special promotional reference to these goods and services;
- c) they shall not dedicate an excessive attention to the goods in question;
- d) Repealed

4 Viewers shall clearly be informed on the existence of the goods placement since the beginning and at the end of the program, and when the program starts after an advertising break in order to avoid any misleading of viewers.

5 The programmes can in no case contain goods placement for:

- a) cigarettes, other tobacco products, electronic cigarettes and refill containers or placement of products by commercial companies, persons or enterprises, whose main activity is the production or trading of cigarettes, other tobacco products, electronic cigarettes and refill containers;
- b) certain pharmaceutical products, medicines or medical treatment given only by doctor's prescription.

#### Article 45

#### **Sponsorship of broadcast services**

*(added words in Clause 2, with Law No. 30/2023, dated 13.4.2023)*

1. The sponsored audio and audio-visual services shall meet the following requirements:

- a) their content and program list shall in no case be affected in such a way as to affect the responsibility and editorial independence of the media service;
- b) shall not directly affect the purchase or ordering of goods or services, notably by specially and promotionally mentioning these goods and services;
- c) the viewers shall be evidently informed on the sponsorship agreement where the programme is based upon. The sponsored programmes shall be easily identified by the name, emblem (logo) and/or other symbols of the sponsoring subject, as well as by a visible sign at the beginning, during or at the end of the programme.

2 The audio-visual broadcast services cannot be sponsored by companies, persons or entrepreneurships, which main activity is the production and trading of cigarettes or other products of tobacco, electronic cigarettes, as well as refill containers.

3 Sponsorship of audio-visual broadcast services or programmes from the company, persons or entrepreneurships whose main activity includes production and sale of medicines, pharmaceutical products and medical services, can mention only the name or show the emblem or other images of a representational nature of the sponsoring subject, but cannot advertise medicines, special pharmaceutical products or certain medical services which are given only with the doctors prescription.

4 News and informative programs regarding politics shall not be sponsored.

5 It is prohibited the presentation of sponsoring signs in and during programs for minors, documentaries and programmes regarding the religious beliefs.

## CHAPTER V CODE AND REGULATIONS

Article 46  
Broadcasting code

1. The AMA shall prepare and review, as necessarily, the code of broadcasting rules, standards and practices as set forth in this Article.

2. The broadcasting code shall ensure that:

- a) all news broadcasted are notified and displayed objectively and impartially;
- b) the treatment of events, including issues that are topics of public debates, is fair to all subjects interested in these issues and to be displayed objectively and impartially;
- c) AAMSP shall not broadcast any programme that infringes the rules of ethics and public morals, that may give rise to criminal offences or violate the state authority;
- d) in the programmes broadcasted by the AAMSP, the right to confidentiality of the individual's private life shall not be infringed;
- e) The AAMSP shall not exhibit any bias for any political force during the broadcasting time of the political subjects activities;
- f) in issues involving the moral and ethic aspect of programme materials, particularly in the viewing of violent and sexual behaviours shall be made with prudence, taking into consideration the public sensitiveness and effects of such programmes in the moral, mental and physical development of minors. The AAMSPs are not allowed to broadcast programmes which might seriously harm the physical, mental or moral development of minors, particularly programmes that contain pornography or provide artificial scenes and extreme violence. The AAMSPs are not allowed to broadcast other programmes that may harm the physical, mental and moral development of minors, except where provided, by selecting the appropriate broadcasting time or any technical measure that minors do not normally watch or listen to such broadcasts. If such programmes are openly broadcasted they should be preceded by an acoustic warning or identified by the presence of a visual symbol throughout their duration;
- g) advertising, direct teleshopping, materials of direct teleshopping, sponsorships and other forms of commercial presentation, used in every broadcasting service, in particular those regarding issues that directly or indirectly can be in the interest, or not, of minors, must protect their interest by paying special attention to their health;
- h) advertising, direct teleshopping, materials of direct teleshopping, sponsorships and other forms of commercial presentation, different from the ones mentioned in letter "e" of this clause, must protect the interests of viewers and listeners;
- i) the broadcasting service, whose priority aim is to support the interests of an organization, must protect the interest of viewers and listeners;
- j) there must be applied the requirements of Articles 42-46 of this Law.

3. Meanwhile preparing or reviewing the broadcasting code, the AMA shall take into consideration:

- a) the level of damage or violation caused by broadcasting of a kind of material generally or of a specific nature programmes;
- b) the amount and composition of the possible audience of the audio-visual programmes in broadcasting services generally or specifically;
- c) regarding to the nature of the programme content and notification level of the possible public;
- d) the will to ensure that the content of broadcasts adheres to the relevant changes of the broadcasting codes, in case that these changes are performed;
- e) the will of ensuring the editorial control independence on the programme content.

4. The broadcasting code, approved by the AMA can prohibit advertising of special food and beverage categories considered harmful to minors, especially those with high fat, sugar, and salt ingredients. In the preparation of broadcasting code, the AMA shall preliminary consult the relevant public health authorities.

5. In the broadcasting code, the AMA shall determine specifically:

- a) the programme standards;
- b) the requirements for advertising addressed to minors;
- c) the requirements for advertising;
- d) the requirements for the implementation and progressive promotion of European works and independent works;
- e) the requirements for the personal information protection.

#### Article 47

#### **Broadcasting rules**

1. AMA, compliant to requirements of Articles 43-46 of this law approves the regulation on:

- a) the daily allowed time for broadcasting advertising and direct teleshopping materials in a broadcasting service, according to the condition set out in the license and/or authorization;
- b) maximum allowed time in a time of broadcasting advertising and direct teleshopping, direct teleshopping materials in a broadcasting service, according to categories of the broadcasting services;
- c) special measures that media services provider shall undertake to realize reception from persons suffering from a certain degree of non-capacity to sound or view broadcasted programmes.

2. Broadcasting rules in relation to the requirements of clause 1 to this Article shall determine the provision of services for each AAMSP such as:

- a) sign language;
- b) teletext services;
- c) subtitling and audio description;
- d) considering that the above-mentioned materials are broadcast periodically during the day in regular intervals, during the peak viewing time and in particular in the news and activity features as well as in other programmes.

3. The rules defined in point 1 letter "c" of this article may require that a certain percentage of programs in a broadcast service engage special means, through which the reception of these services by the persons defined in this point is satisfactory.

4. AMA reviews the broadcasting regulation, related to the provisions of point 1 letter "c" of this article, at least every year.

#### Article 48

#### **Public consultation**

1. AMA, in the process of preparation of regulatory documents, as required by the law, and before making decisions that have a significant impact on audio delivery and audiovisual services, is required to obtain and assess the opinion of interested parties through public consultation.

2. In the public consultation process, AMA publishes the proposed regulatory documents and requires the written opinion of interested parties, within a published time limit that should not be less than 30 days.

3. If AMA considers as necessary, it also evolves a hearing where are invited the interested parties to submit an opinion on the proposed regulatory documents.

4. After the deadline specified in clause 2 of this Article and before the approval of regulatory documents, AMA should publish the opinions and comments of interested parties, respecting the confidentiality of information.

#### Article 49

### **Submission of codes and regulations**

1. The approved Broadcasting Code and Regulations must be published in the official website of AMA.

2. AMA reports for the Assembly on the effects of the approved Broadcasting Code and Regulations in the annual report.

#### Article 50

### **Cooperation with other subjects**

1. AMA can cooperate, support or encourage one or more specialized subjects in the country and abroad for the preparation of standards of broadcasting content.

2. AMA cooperates with other public institutions according to the field of relevant competence of each in relation with the drafting of standards' content detailed in the broadcasting code and regulations.

3. AMA, apart from its own administration and the Council of Complaints, can also independent experts.

4. AMA cooperates with the Copyright Office and with bodies that protect copyright and other related rights.

## CHAPTER VI

### Complaints

#### Article 51

### **Procedures of complaint handling**

1. AAMSP is obliged to examine every complaint submitted in writing by any person for the programs broadcasted by him, regarding the implementation of the requirements of Article 33 of this law, on the quality of provided services or on the fulfilment of contractual obligations for subscription services.

2. Complaints are submitted to AAMSP no later than 30 days from the date of broadcast, or in the case of two or more broadcasts related to each other, from the date of the most recent broadcast.

3. Every AAMSP should prepare and implement specific procedures for handling complaints. These procedures must provide for:

- a) the manner and place of the complaint's submission;
- b) the period within which the broadcasters should reply;
- c) the way of resolving the respective complain

4. AAMSP should publish on its website or make public in any another way the complaint handling procedures, designed in accordance with the guidelines of the Council of Complaints.

5. The Council of Complaints shall prepare and publish guidelines for AAMSP in order to realize the provisions of clause 3 of this Article



6. AAMSP shall submit to the Council of Complaints the information required by clause 3 of this article. This information can be published on the website of the AMA.

7. AAMSP keep the complaints made under clause 1 of this article and their answers for a period of two years from the date of registration of the complaint.

8. AAMSP is obliged to allow the Council of Complaints to inspect the records kept in accordance with clause 7 of this article.

## Article 52

### **Complaints review**

1. The Council of Complaints analysis any complaint regarding the broadcasting of news and programs in violation of the provisions of Article 33 of this law and the broadcasting regulations laid down in Article 47 of this Law.

2. The complaint shall be submitted in writing to the The Council of Complaints within 30 days from the date of broadcast, or in the case of two or more broadcasts related to each other, from the date of the most recent broadcast.

3. The Council of Complaints, if it considers it appropriate, escalates the submitted complaint to the AAMSP in order to submit its claims within 7 hours.

4. After there are complaints and claims of the AAMSP, its Council of Complaints, if it considers that there is a violation, proposes the relevant measures to AMA . In any case, the Council of Complaints notifies in writing the person who submitted the complaint and the relevant AAMSP on the conclusions and measures.

5. AAMSP reports the conclusion to the Council of Complaints, when this conclusion is in favour of the person who has made the complaint, within 2 days from of receipt of notice, in the same manner with that of the realization of broadcast towards which the complaint has been made.

6. The Council of Complaints decides on the resolution of the complaint within the shortest period but not later than 5 days. During the complaint resolution procedures, the Council of Complaints may decide to organize hearings with the parties.

7. When a case has been subject of many complaints filed under this article, or for broadcast, which are outside the territorial jurisdiction of AMA, the Council of Complaints, if it considers it appropriate, report to AMA, regarding its aspects and ways of resolution.

## Article 53

### **Right of reply**

1. Any person, whose dignity and reputation has impaired from disclosing inaccurate facts and information in a broadcast is entitled to the right of reply.

2. AMA shall prepare, within six months from entry of this Law into effect, a regulation for exercising the right to a reply, after a public consult for this issue.

3. The regulation shall determine procedures that shall be followed to exercise the right to a reply so as:

a) the reply will be broadcasted within 30 days since the submission of the request

b) the right to a reply should contain the level to which the information during the broadcast procedures is incorrect and fraudulent and shall limit itself in the assertion of facts that are necessary for correcting the untrue facts or information.

4. The person enjoying the right to a reply, compliant to the regulation and to the requirements of this Article, shall submit a written request to the responsible media broadcaster, determining the reasons and facts that support his request.

5. The request on the right to a reply shall be presented to AAMSP not later than 10 days from the broadcasting day that the request refers to.

6. AAMSP, within 10 days from receiving the request, shall decide on the grant or refusal of the right to a reply and shall notify the requester in written for this purpose.

7. If within the term determined in the clause 6 of this Article, the requestor does not get a reply, it is presumed that AAMSP has refused his complaint.

8. AAMSP puts at the disposal of the Council of Complaints the records kept according to the clause taken 7 of the Article 51 of this law.

9. In order to realize the requests for the right of getting a reply, AAMSP cannot apply any kind of fee.

10. The Council of Complaints, within 15 days from the submission of a complaint on the refusal of the right to a reply from an AAMSP, examines the case and if it considers right the made complaint, requires from AAMSP to make the correction of facts and information related to the interested person, in the same way and time as that of the broadcasts to which the complaint refers, within 7 days since the receipt of notification.

11. At the beginning of the complaint reviewing, the The Council of Complaints requests to AAMSP, to which the complaint is addressed, to provide explanations regarding this complaint.

12. At the beginning of the complaint's analysis procedure, the Council of Complaints asks AAMSP, to which the complaint is addressed, to give explanations about this complaint.

13. The Council of Complaints may refuse a complaint when:

- a) assesses that it is abusive and ungrounded , or done in bad faith;
- b) the right to a reply relates to a personal opinion of the person and has no connection whatsoever with the correction of any news of a factual or informational character;
- c) The right to a reply contains expositions of false facts and information;
- d) The right to a reply is sought to ask for the prevention of expected activities or activities that have not yet happened;
- e) The fulfilment of the right to a reply involves a punishment, and goes beyond the good behaviour rules or causes the conviction of the media service provider in a civil court process;
- f) The fulfilment of the right to a reply causes violation of the broadcasting license's provisions determined in Chapter VII of this Law;
- g) the person harmed from the rejected information has no lawful interest in the moment of submission of the request for the exercise of the right to a reply;
- h) the rejected broadcast contains a saying or a declaration of the affected person, such as it is considered equal to the excepted reply or when the person has given his preliminary consent in a formal form on the broadcast content;
- i) A correction equal to the objected information is made in advance and the affected person is notified for this act;
- j) the content of the requested response violates the rights of a third party;
- k) the subject matter of the complaint relates to statements made during the Assembly activities, the conduct of court hearings or the broadcasting of the activities of political entities;
- l) the broadcast of the right to a reply is not in the public interest;
- m) the request is submitted after the deadline.

14. When the Council of Complaints notices that the broadcaster has not met the obligations according to the clause 10 of this Article, it notifies AMA accordingly The latter decides on basis of the suggestions of the Council of Complaints on the case in question

15. AMA decision can be appealed in Tirana Administrative Court.

16. The regulation, according to clause 2 of this article, is published by AMA on the official website.

CHAPTER VII  
BROADCASTING LICENSES, CONTENT AND  
SERVICE PROVISION LICENSES

Article 54

**Providing audio and/or audiovisual services and networks**

1 The provision of networks for audio and/or audiovisual broadcasting, requiring the use of radio frequencies, is licensed by AMA, according to the provisions of this law. In determining the frequency that can be used for audio and/or audiovisual broadcasting, AMA takes into account that the frequencies are a national asset, an economic value and a social and cultural significance and should ensure avoidance of interference and effective utilization of the spectrum. The allotment of frequencies is made by the AMA on the basis of objectivity, transparency, non-discrimination, the availability of free frequencies and, in accordance with the provisions of the National Frequency Plan, only in specified frequency bands to be administered by the AMA.

2 The provision of networks for audio and/or audiovisual broadcasting, requiring the use of frequencies outside the frequency bands allocated to broadcasting, according to the National Frequency Plan, is subject to adjustment in accordance with Law no. 9918, dated on 19.5.2008 "Electronic Communications".

3 The provision of networks for audio and/or audiovisual broadcasting that do not require the allotment of frequencies, such as cable TV networks, satellite, subject to regulation by law no. 9918, dated on 19.5.2008 "Electronic Communications".

4 The provision of audio and/or audiovisual programmes services, supported in the networks described in clause 1 of this Article shall be in accordance with the requirements prescribed by this Law and regulations issued by AMA In this case, AMA issues:

- a) Audio broadcasting licenses and audiovisual broadcasting licenses, when is licensed the network and the programme or the programs supported in it
- b) Audio broadcasting licenses and audiovisual broadcasting licenses when only the programme is licensed.

5 The provision of audio and/or audiovisual programmes services, supported in the networks described in clause 2 and 3 of this Article shall be made in accordance with the requirements prescribed by this law and regulations issued by the AMA. In this case, AMA issues audio service authorizations and audiovisual programme services authorizations.

Article 55

**Types of licenses and authorizations and their terms of validity**

1. Types of licenses that issues the AMA are:

- a) service license for audio programs, to provide an audio program service.
- b) service license for audiovisual programs, to provide an audiovisual program service.
- c) Audio broadcasting license, which consists of:
  - i) service license for audiovisual programmes, according to letter “a” of this clause;
  - ii) licence to establish and operate a digital radio network, which can be analogue or digital;
- d) audiovisual broadcasting license, which consists of:
  - i) service license for audiovisual programs, according to letter “b” of this clause;
  - ii) licence to establish and operate a digital television network.

2. Licenses shall be categorized into:

- a) licenses according to clauses 1/a and 1/b are national, regional or local, in function of the terrestrial network category, where supported;
- b) licenses according to clauses 1/c and 1/ç in function of the terrestrial network category, are divided into:
  - i) national, when not less than 80% of the territory is covered with signal;
  - ii) regional – for coverage of up to 4 regions which are located in the same geographic stretch;
  - iii) local, for coverage of one region.
- 3. The licenses for the construction of digital networks, according points 1/c/ii and 1/ç/ii give permission to subject to construct and operate a digital network, respectively an audio or audiovisual one.
- 4. The service authorizations of audio program and service authorizations of audiovisual program, when the service is supported in the networks defined in clauses 2 and 3 of Article 54 of this law, are:
  - a) satellite, for satellite system supported services;
  - b) cable, for cable system supported services;
  - c) online service, for internet services;
  - d) service provider, including the limited access service.
- 5. The maximum duration of licenses and/or authorizations is 15 years. AMA, by resolution, determines the maximum duration of licenses and authorizations, according to their classification. In determining these limits, AMA takes into account the nature of services and reasonable time for the return of investment. An application for renewal of license and / or authorization is made 90 days before the expiration of the license or authorization.
- 6. Licenses and/or authorizations and any right or liability associated with them cannot be transferred. If the holder of the license and/or authorization, enters the civil legal relationship, the object of which is also the licensed/authorized activity, then for the assignment or transfer of rights arising from the license and/or authorization, is required the approval of AMA. The subject that has acquired such rights is given approval in the form of a new license and/or new authorization with the same content. When AMA does not approve the transfer, for the reasons provided in this law, the license and/or authorization becomes invalid.

## Article 56

### **General requirements of the application for the license and/or authorization**

The application for obtaining any license and/or authorization shall contain:

- 1. Name, location, legal form of the applying subject along with the name and signature of the person who has the right to represent it.
- 2. Documents proving the bank and official information on the financial capital of the applying juridical or physical person.
- 3. The name of the program and network it will be supported to.
- 4. The object and the general characteristics of service, data for the duration of the program and the territory that will cover, as well as the technical installation and use of the devices.
- 5. List of administrators, projections of expenses and incomes, origin and amount of funding provided for the duration for which the license and/ or authorization is required.
- 6. List of names of board members and their curriculum vitae.
- 7. Content of programs that will be broadcasted and programme structure proposed for broadcasting, which clearly express their general pluralism and impartiality of information.
- 8. The application must include information on the ownership structure of the company and its shareholders.

9. The applicants must answer any questions of the regulatory authority during the application review.

#### Article 57

### **General principles of audio broadcasting service of the community**

The audio broadcasting service of the community:

1. It is operated, owned and managed by the community to which it serves.
2. It is provided without profiting purposes, reflecting the cultural, linguistic, demographic and religious needs of community.
3. It has informative, educational and entertaining character.
4. It provides programs of special importance to the community, including, but not limited to, development issues, health care, basic information, general education, issues of environment, reflection of local culture etc.
5. It supports the voluntary work of participants in the community.
6. It is supported by various financial sources, excluding advertising with profiting purposes.

#### Article 58

### **Licensing of audio broadcasting services to the community**

- 1 The licensing of audio broadcasting services of the community is done by the AMA through open, transparent and non-discriminatory procedure. AMA adopts and publishes rules and licensing procedures of audio broadcasting of the community.
- 2 The license is granted for a limited geographic area. The AMA sets, through a regulatory document, the amount of available frequency audio broadcasting service of the community, as well as the geographical area of service provision, in accordance with the National Frequency Plan
- 3 AMA, in the licensing process, aims to achieve the objectives set out in Article 18 of this Law.
- 4 AMA, in assessing the applications, conducts a public consultation process for a period of not less than 60 days
- 5 The refusal of application for audio broadcasting service of the community by the AMA, is always made versus a reasoned decision.

#### Article 59

### **Audio broadcasting license application for analogue networks**

1. To ensure the correct evolvement of audio services and providing a variety of services in the area of coverage and respect of minority interests, the AMA compiles the frequency usage plan intended for audio broadcasts, according to the National Frequency Plan.
2. AMA, taking into account the frequency usage plan referred to in clause 1 of this Article, taking into account the existence of free frequencies for audio broadcasts, on its own initiative or at the request of interested parties:
  - a) Defines/allots the coverage area of audio broadcasting license, for which can the parties apply,
  - b) opens the competition (tender) for the grant audio broadcasting license
3. In determining the scope of coverage, referred to in clause 2 of this Article, AMA must first:

- a) carry out the study of interests, expectations and desires of the public in this coverage area;
  - b) carry out the study of influences in the broadcasting sector in the area.
4. AMA publishes on its website the results of the studies, as defined in clause 3 of this article and takes into account these data and those set out in clause 2 of this article to provide the relevant license.
5. AMA publicly announces the opening of competition for the provision of audio or audiovisual broadcasting license under this law. This license's application is made within 40 days of the publication of the competition and must describe the planned manner of service provision and criteria compliance announced in advance by the AMA.
6. The announcement of the competition's proclamation may include the invitation of interested parties to express their proposals in relation to the nature of audio broadcasting, for which the competition is opened.
7. In reviewing the applications for the grant of audio broadcasting license, the AMA decided in accordance with Article 61 of this Law, and assigns scores for each applicant.
8. The competition's proclamation is published in the AMA's website and, if possible, in a press body, which is distributed in the coverage area of the service license.
9. In the announcement of the competition's proclamation, are set out the procedures to be followed for making the application and the relevant requirements.

#### Article 60

#### **The application for the service license of audio and audiovisual programme**

- 1. The provision of audio and audiovisual programmes that are supported on terrestrial analogue or digital networks is made under license issued by AMA through competition of applications in accordance with the requirements of Article 56 of this law and special rules approved by AMA.
- 2. AMA, on its own initiative or at the request of interested parties, opens the competition for the grant the service license of audio and audiovisual programmes.
- 3. AMA publicly announces the opening of competition for the provision of audio and audiovisual programmes license under this law. This license's application is made within 40 days of the publication of the competition and must describe the planned manner of service provision and criteria compliance announced in advance by AMA.
- 4. The announcement of the competition's proclamation may include the invitation of interested parties to express their proposals in relation to the nature of audio broadcasting, for which the competition is opened.
- 5. In reviewing the applications for the grant of audio and audiovisual programmes, the AMA decided in accordance with Article 61 of this Law, and assigns scores for each applicant.

#### Article 61

#### **Review and decision-making for the grant of licenses for audio broadcasting for analogue and service licenses of audio and audiovisual programmes**

- 1. In reviewing the applications and decision-making of the winning applicant, AMA takes into consideration:
  - a) the qualities, expertise and experience of the applicant, or, in case the applicant is a company, the qualities, expertise and experience of the steering bodies, administrators or other agencies of the company and of the owners
  - b) financial resources of the applicant and aspects of the economic and financial functioning of the application;

c) the quality, kinds and extension of programmes in Albanian and the space of the proposed programmes related to the features and needs of national culture;

d) the space the application creates within the service of the proposed broadcast to new artists in the field of music, recreation and theatrical shows, and in particular, of events related to the features of national culture;

e) the readiness to provide a variety of services in the coverage area for the various social categories, including the minority interests;

f) the readiness to give the possibility to any person or group of persons to have interests in several audiovisual broadcast services, according to the criteria set out in this law;

g) the measures through which the proposed service realizes various interest in the relevant local community or how it serves to these interests;

h) the provision of digital technology in broadcasting and the meeting of technical requirements for the devices for the broadcasting and realization of coverage in the license's area;

i) must not be under liquidation or bankruptcy process;

j) must have a registered and declared capital in the NRC in the amount of 3 500 000 ALL.

2. In addition to the provisions in clause 1 of this Article, the AMA should assess the quality of broadcasting service's realization by the applicant, a previous license holder.

3. When the AMA decided the disapproval of the application, it shall notify the applicant for:

a) the reasons of the decision;

b) the results of applicant assessment;

c) the result of the winning applicant

4. Audio and audiovisual broadcasting license is not granted to persons convicted of an offense, unless 5 years have passed since the end of the conviction.

5. Broadcasting license is not given to subjects whose license has been removed or has become invalid upon the decision of the AMA, unless 10 years have passed since the date of the broadcasting license's removal. The same restriction applies to juridical persona, whose shareholders are individuals who have been shareholders in subjects to which the license has been removed upon AMA's decision.

6. To review the applications defined in this article, the AMA must decide no later than 60 days from the date of application.

## Article 62

### **Regulation of ownership in audio and audiovisual broadcasting**

*(the third paragraph was repealed by the decision of the Constitutional Court no. 56, dated 27.7.2016)*

1 The national license of audio broadcasting and the national license for audiovisual broadcasting is granted only to joint stock companies registered in the Republic of Albania, which have as their exclusive object the audiovisual activity.

2 The shares representing the capital in a holding company of a national license of audio broadcasting or a national license of audiovisual broadcasting, are nominative.

3 Repealed.

4 A natural or juridical person who holds shares in a company that has a national license of audio broadcasting or a national license of audiovisual broadcasting, cannot have more than 20 percent of total capital in a second company, which holds a national license of audio broadcasting or a national license of audiovisual broadcasting. For analogue audio broadcasting the participation up to 10 percent in a national third company is permitted. Such a person

is not allowed to receive a local or national audio broadcasting license, or local or regional audiovisual broadcasting license.

5 National licenses for audio and / or audiovisual programme service are subject to the above conditions.

6 The local or regional audio broadcasting license and the local or regional audiovisual broadcasting service license are granted to physical or juridical persons registered in the Republic of Albania, which have as their exclusive object the audiovisual activity.

7 A natural or juridical person that owns 100% of shares in a company which holds a local or regional audiovisual license, can obtain a second license for local or regional audio broadcasting. A natural or juridical person that has 100% of shares in a company which holds a local or regional audio license, can be given only a second license for local or regional audiovisual broadcasting.

8 A natural or juridical person, that owns shares in a company which holds a local or regional audio license, cannot have more than 40% of the total capital in a second company which holds a local or regional license of audio broadcasting.

9 A natural or juridical person, that owns shares in a company which holds a local or regional audiovisual license, cannot have more than 40% of the total capital in a second company which holds a local or regional license of audiovisual broadcasting.

10 In the sense of this law, a shareholder is considered a holder of shares and persons related to him until the second level.

1 Legal entities are authorized to provide audio program services and audiovisual program service authorizations based on satellite networks that are also subject to the above conditions.

2 No holder of audio broadcasting national licenses and of audiovisual broadcasting national licenses, including AAMSPs, licensed for the audiovisual programme services and/or authorized for audiovisual programme service supported on satellite networks, pursuant to this law, can broadcast more than 30 percent of advertising in the audiovisual broadcasting market. AMA monitors and publishes periodic information on the volume of advertisements broadcast by the national AAMSPs.

#### Article 63

### **The use of multiplex**

1. The holders of national, regional and local audio digital broadcasting licenses and of national, regional and local audiovisual digital broadcasting licenses, are obliged to grant access under fair, reasonable and non-discriminating conditions, in not less than 40% of their multiplex capacity, to AAMSPs that hold a audio programme service license and/or a audiovisual programme service license.

2. Notwithstanding the provisions of clause 1 of this Article, a entity licensed for digital broadcasting or for the provision of audio or audio-visual program, may have more than one third of the total amount of the relevant local, regional and national programmes.

3. Holders of national, regional and local audio digital broadcasting licenses and of national, regional and local audiovisual digital broadcasting licenses provide the access for broadcasting in the digital network according to the commercial agreements with AAMSPs. The fees for providing access to digital network broadcast must be cost oriented.



4. AMA ensures that all services provided to AAMSPs holding a audio programme service license and/or audiovisual programme service license by the holders of national, regional and local digital audio broadcasting licenses and national, regional and local digital audiovisual broadcasting licenses are based on fair, reasonable and nondiscriminatory conditions.

5. In case of disputes between AAMSPs and holders of national, regional and local digital audio broadcasting licenses and national digital audiovisual broadcasting licenses, the parties shall refer to the AMA.

6. AMA, taking to the account the guarantee of equal and non-discriminatory access for AAMSPs, the guarantee of fair competition and the variety of services, after hearing the claims of the parties, decides on the resolution of the dispute.

7. Against the AMA's decision, the parties may appeal in the court.

#### Article 64

##### **Authorization for the audio and the audio-visual program service**

1 The provision of audio and audiovisual programs services that rely in networks other than analogue or digital terrestrial networks, according to the provisions of clause 2 and 3 of Article 54 of this law, is made upon the authorization of AMA without competition, upon request. The entity that makes the request must be previously registered in EPCA, pursuant to the provisions of Law no. 9918, dated on 19.05.2008 "On electronic communications in the Republic of Albania".

2 AMA guarantees that the authorized will be:

a) responsible in relation to public interest and sensitivity, respects the understanding and social coexistence of all individuals in the Republic of Albania, complies with the requirements of this law and the conditions of the authorization, defined by AMA;

b) promote democratic values defined in the Constitution of the Republic of Albania and in particularly the right to freedom of expression and information.

3 The authorization is granted on the basis of request to the entities that meet the requirements of this law regarding to audio and audiovisual programs.

4 The authorization is granted after the reviewing the completed documentation according the criteria of determined by the AMA with special regulations.

5 Authorization is granted within 30 days following the receipt of the fulfilled request. Rejection of the application is always made against a grounded decision. If AMA does not grants a decision within the above deadline, following the receipt date of the full application, the authorization is considered approved.

6 Authorization is granted for a 5-year term with the right of renewal.

7 AMA can renew this authorization upon the completion of the above conditions and according to the procedures predetermined by it.

8 The holder of the audio and audiovisual broadcasting license is entitled to provide satellite services against registration, in accordance with the procedures established by AMA.

#### Article 65

##### **Audio Broadcasting License Conditions**

1. The audio broadcasting licenses may contain terms and conditions that the AMA deems necessary in the license. AMA pre-published the terms and conditions of the audio broadcasting license.

2. Among others, in an audio broadcast license the AMA defines:

a) The term of the license;

- b) When a license can be renewed, the manner, conditions and time for which the renovation can be made;
  - c) the conditions for preventing the transfer of rights and obligations arising from this license;
  - d) the conditions for ensuring quality, extent and types of programs;
  - e) payments that the licensee must perform at the AMA's favour.
3. The licensed entity must notify the AMA for any change to the licensee company's records within 30 days of making the changes.
4. Any audio broadcasting license must provide for the obligation of the licensee to submit data on its accounts, balance sheet or other information that AMA deems necessary for the performance of its functions.
5. The audio broadcasting license is an official document, administered by AMA, pursuant to the Law no. 8503, dated 30.6.1999 "On the right to information over the official documents."
6. Notwithstanding the provisions of Article 37 of this Law, audio broadcasting license must include a condition obliging the broadcasting licensees to record and archive certain categories of programmes, which can be controlled by AMA during the duration of a broadcast license and for a term of up to 6 years after termination of this license.
7. The AMA, within one year from the approval of this law, shall prepare an instruction with the forms and categories of programs required for registration and archiving by the side of broadcasting licensed entities, according to clause 6 of this Article.
8. In drafting the rules defined in clause 7 of this Article, the AMA takes into account the nature and quantity of programmes broadcasted by the licensee, as well as financial costs for this purpose.
9. In carrying out the functions defined in clauses 7 and 8 of this Article, AMA considers the content of the programs, which:
- a) are written in Albanian, or related to national culture and actuality,
  - b) are related to developments in the field of music, theatre, shows and other national activities;
  - c) are news, documentaries or reports, and any other category of programming content that AMA considers as necessary to be recorded and archived by the licensee.
10. AMA can, by its own means, realize the recording and archiving of the programmes defined above and administer these programmes in accordance with the legislation in force on the copyright and other related rights.
11. The AMA reports annually to the assembly on the implementation of the obligations arising from this law.

#### Article 66

##### **Audio broadcasting licenses for temporary purposes and institutional needs**

1. To fulfil the temporary needs of public institutions, AMA grants a temporary broadcast license to cover a certain area. The terms of provisional licenses are:
- a) up to 60 days within a calendar year for a regional audio broadcasting service;
  - b) up to 120 days within a calendar year for a local audio broadcasting service.
2. AMA may grant a license for the provision of a low-power audio broadcasting service, which is intended to serve only to one educational, health or similar nature institution, as defined in the license.
3. The requirements of Article 33, clause 1, letter "c" and Articles 59 and 62 of this Law shall not apply in the case of a license granted under this article.

4 AMA approves and publishes rules for granting these licenses, pursuant to this law.

5 Licenses, according to clause 1 of this Article are not granted in the 6-month period prior to the development of local or general parliamentary elections, except in cases related to the protection of health, natural and human disasters, public order and national security.

#### Article 67

##### **Service licenses for audiovisual programs**

1 AMA provides service licenses for audiovisual programs, under which the licensee has the rights and obligations to establish and implement a service of audiovisual program. Based on the license, the licensee has the right to define, realize and operate broadcasting equipments in order to broadcast the audiovisual programme service.

2 AMA ensures that the audiovisual programme service will:

a) be responsible in relation to public interest and sensitivity, respects the understanding and social coexistence of all individuals in the Republic of Albania and will ensure that the programming content presents integrative elements of Albanian language and culture;

b) promote democratic values defined in the Constitution of Albania and in particular the right to freedom of expression and information.

c) take into consideration the need for the formation of public opinion to get to know and understand the values and European traditions;

d) include in reasonable proportion the news programs and those with informative nature.

e) comply with the requirements and conditions defined under this law license;

f) reasonably include the use of sign language in the newscast for the deaf people.

3 The licensee of audiovisual programme service implements the programme in accordance with the requirements defined in clause 2 of this Article. AMA requires, where possible, that the majority of broadcasting time be devoted to European works, excluding the time for news, sports events, games, advertising, teletext service and direct teleshopping or to be reserved for programs of independent subjects, from the licensee himself or his related subjects.

4 AMA includes, in every license granted under this article and every renewal according to this law, a condition for the broadcasting of independent productions, as defined in the clause 2 of Article 123 of this Law.

#### Article 68

##### **Invalidation of the license and/or authorization**

License and/or authorization is valid when:

a) has expired the validity period, and it is not renewed;

b) the licensee or authorized person notifies AMA in writing for the closure of the activity;

c) AMA has issued a decision to revoke the license and/or authorization based on the powers granted by this law;

d) bankruptcy is declared;

e) the applicant does not withdraw the license and/or authorization or does not fulfill the financial obligations provided by this law after 90 days from the moment when it gets officially notified of its approval; dh) there is a final decision by the court that prohibits the exercise of the activity from licensee and/or authorized.

Article 69  
**Revocation of license and/or authorization**

AMA has the right to withdraw the license and/or authorization when:

1. It was granted according to the false data presented in the application.
2. The conditions specified in the license are not met.
3. Does not pay the financial obligations of the license for a year.
4. Broadcasting not started after the entry into force of the decision granting the license for a period of time:
  - a) 6 months in local and regional audio broadcasts;
  - b) 9 months in local and regional audiovisual broadcasting service;
  - c) 12 months in commissioning of local and regional multiplex;
  - d) 12 months in national audio broadcasts;
  - e) 18 months in the national audio-visual broadcasting service;
  - f) 24 months in the commissioning of the national multiplex.
5. After start of the broadcasting, during a calendar year, there are no broadcasts for 30 days without counting interruptions for technical reasons beyond the control of the license holder.
6. The license holder has faced changes that make it impossible to meet the conditions set out in the license.
7. The license holder's property, which serves directly for the operation of audiovisual services, has been auctioned for sale.
8. Is punished more than 3 times within a calendar year, for one of the administrative offenses provided in Articles 132 and 133 of this law.

CHAPTER VIII  
**DIGITAL BROADCASTING**

Article 70  
**Application for digital network licenses**

1. The joint stock companies which have the right to apply for a digital network license, respectively local, regional or national are those that:
  - a) possess a license for audio and audio-visual programme services, respectively local, national or regional;
  - b) do not hold a license for audio and audio-visual programme services. In this case, the application is made simultaneously for a license for programme services in accordance with the requirements of Article 60 and requirements for a digital network license under this chapter. The AMA initially examines the application for programme service under Article 61 of this Law.
2. Digital network license is granted through open competition ensuring equal, objective and non-discriminatory treatment. AMA, on its own initiative or at the request of the interested parties, opens the competition having in mind the frequency usage plan, as well as taking into consideration the existence of free frequencies for digital broadcasting.
3. Digital network licenses are granted by AMA in accordance with the technical requirements determined based on:
  - a) frequency plan for digital broadcasting, approved by the Final Acts of the Regional Radio-communications Conference "On planning of terrestrial digital broadcasting in parts of

regions 1 and 3 in the frequency bands 174-230 MHz and 470-862 MHz (RRC-06), ratified by the Assembly by law no. 9851 dated 26.12.2007, excluding digital dividend frequencies, as defined in the Final Acts of the World Radio-communications Conference WRC-07 and WRC-2012;

b) the availability of free frequencies;

c) relevant coverage areas with programs, associated services and other related data.

4. AMA determines the coverage area, in which it will broadcast, in accordance with license, and invites interested parties to participate in the competition.

5. The announcement for the opening of the competition should be published on the website of AMA and in at least three of the highest-circulation newspapers and, when possible, in the press, circulating in the defined area of the coverage. The notice must define the procedures and performance requirements of the application and any relevant or necessary issues.

6. AMA, in the notice defined in clause 5 of this Article, determines the minimum area coverage in which the programme materials related to it and other information related to it will be broadcasted. Minimum area of coverage may be less than the maximum area coverage specified in the notice.

7. Despite the provisions of point 2 of this article, when a minimum coverage area is defined in the notification for the opening of applications, this area must be the minimum coverage area of the approved license, requiring the applicant to cover the maximum area as much as possible.

8. In the competition notice, AMA defines the number of audio and/or audiovisual program services that will be supported in the multiplex, and whether any existing audio and/or audiovisual program services will be supported on the digital network.

#### Article 71

#### **Examining of the applications for granting of the digital network license**

1. AMA reviews each application for a digital network license, based on the notification for the opening of the competition to determine the eligible applicants for obtaining the digital network license.

2. For the examining and the determination of the suitable applicants, according to clause 1 of this Article, AMA should take into consideration:

- a) the nature, expertise and experience of the applicant including the nature, expertise and experience of directors, managers or officers of the company and the owners or its shareholders;
- b) the financial resources available to each applicant and the economic functioning submitted in the application;
- c) the range and type of programs proposed to be included in the multiplex and the way of providing these materials;
- d) in the case of a digital audio-visual service network, the applicant's proposal to obtain necessary equipment to be taken by viewers through these devices of all audiovisual service multiplexes that broadcast in that area, including national digital networks, as well as paid services and the creation of the possibility of individuals to be informed and select the programme material included in these multiplexes;
- e) the extent of the coverage area proposed to be conducted by the applicant;

- f) technical proposals, including the period of implementation, regarding the establishment and operation of the digital network;
- g) in the case of a digital audio broadcasting network, the applicant's proposal to facilitate the inclusion of any registered broadcasting service in the digital network;
- h) any other matter that AMA considers deems to ensure the establishment and operation of the multiplexes.

#### Article 72

### **Digital Network License Terms**

1. AMA in digital network license defines:
  - a) requirements for programs, the associated service and other data that will be supported in the multiplex, including requirements for existing programs;
  - b) the terms and conditions for the realization of signal coverage area;
  - c) the conditions for the provision of equipment for receiving a paid services by authorized users and presentation of programs supported in all multiplexes that broadcast in that area;
  - d) requirements for compliance with technical requirements and quality of service.
2. Digital network license contains conditions for the payment of claims by the licensee to AMA, and the conditions for providing information that AMA wants to be made available for the exercising of its powers, including copies of the accounts and financial sheets.
3. AMA, in view of the interest of users and digital network services fulfilling its regulatory targets, establishes conditions to ensure effective competition between media service providers who rely on the multiplex, so that the Licensee:
  - a) does not prevent users in any coverage area, from receiving multiplex services at the receiver;
  - b) ensure that each receiver is able to implement the decoding system to open all encrypted services based on digital network in the respective coverage area.
4. Network operators and service providers of digital terrestrial broadcasting ensure that programs broadcasted comply with ethics and encryption rules when intended for the public of specific age groups.
5. Digital network license contains the conditions which AMA considers appropriate in the fulfilment of the goals of this law.

#### Article 73

### **Widescreen Services**

1. Public electronic communications networks, designed to deliver digital television services, should be able to deliver widescreen services and television programs.
2. Network operators that receive and redistribute widescreen services or programs retain the same format.

#### Article 74

### **Term of license and transfer of rights and obligations arising from it**

1. The term of license validity of the digital network is:
  - a) 15 years for national broadcasting;
  - b) 8 years for regional and local broadcasting.

2. Transfer of rights and obligations arising from the license cannot be done without prior written approval of the AMA.

3. Change of the provisions of the statute governing the ownership and issues related to it, cannot be accomplished without the written approval in advance of AMA.

## CHAPTER IX THE AUDIO AND AUDIO-VISUAL MEDIA SERVICES ACCORDING TO THE REQUEST OF THE USER

### Article 75

#### **The provision of audio and audio-visual media services based on the request of the user**

1 The provision of audio media services and/or audiovisual, upon the request of the user, is made based on the authorization issued by the AMA in addition to the information society services, established by law no. 10 128, dated 11.05.2009 "On electronic commerce"

2 Authorization shall be granted within 30 days from the date of the completion of the application.

3 In the application should be filled in the name, personal identification document number of the applicant entity, when it is natural person, and the company name, registration number and the respective information about the founding members and their activities, especially in the field of media, where the applicant is a legal person. If the application is submitted by a commercial enterprise, it must include the information concerning the founding members, as well as those of the structures of the entity, including their names and functions.

4 The application is accompanied by:

- a) the base provision, specifying the name of audio media service providers and/or audio-visual, upon the request of the user, the name, the purpose of the use and the format 40 catalogue, as well as any other information which the applicant considers relevant to the activity that he has planned to provide;
- b) documents proving the sources of funding for the first year of its activity;
- c) information which electronic communications network will be used to distribute the relevant service;
- d) documentation certifying the payment of fiscal and financial obligations to the state.

5 AMA records in a special register the audio and/or audiovisual media service providers upon request. This register is published on the website of the AMA. The content and the maintenance of the register are established by AMA.

6 The authorized notifies the AMA of any changes to the data presented in the application.

7 Granting of authorization for the provision of audio and/or audiovisual media, upon request of the user, does not include the provision of frequencies.

8 The validity of the authorization ends when:

- a) the service provider notifies AMA for the closure of the activity;
- b) does not exercise the activity for more than a year;
- c) does not meet the technical requirements of the broadcasting of the programs;

There is a final decision by the court to prohibit the exercising of the activity from the authorized.

9 Clauses 1 to 8 of this Article shall apply only to those AAMSP audiovisual performing television broadcasts.

### Article 76

### **Conditions for the provision of audio and/or audiovisual media service upon request of the user**

1. Services provided at the request of the users are not allowed to include programs that stimulate hatred on the grounds of race, ethnicity, gender, nationality or religion.
2. Cinematographic works in these services shall be broadcasted under conditions approved by the respective right holders for these works.
3. The provisions of Chapter IV are applied to audio and/or audiovisual media services based on user request.
4. Audio and/or audiovisual media services, at the request of the users, which can seriously impair the physical, mental or moral development of minors, are broadcasted in the form of coding, so as to ensure their non-opening by minors in normal conditions

#### **Article 77**

### **Promotion of production of European works from audio and/or audiovisual media services based on user demand**

*(Clause 1 and 2 amended by Law No. 30/2023, dated 13.4.2023)*

1. Audio and/or audiovisual media services, according to the user's request, provided by media service operators guarantee that they have at least 30% of the market of European works in their catalogues and that they are noticeable.
2. Audio and/or audiovisual media services, according to the user's request, provided by media service operators promote, when possible and by appropriate means, the production of European works, by financially contributing to the production of European works through direct investment in the content and/or contribution to the film fund, according to the applicable legislation".
3. AMA shall define in the regulation the method of the application of this Article.

#### **CHAPTER X**

### **IMPLEMENTATION AND COMPLIANCE WITH THE TERMS OF THE LICENSE AND/OR THE AUTHORIZATION**

#### **Article 78**

### **Inspection of the activity of the licensed/the authorized**

- 1 AMA shall be entitled to exercise the control of the programming, financial, technical and organizational activity of the holder of a license and/or authorization, pursuant to this law. Each inspection, especially the inspection of the programming activity, should not affect the freedom of expression. The licensed shall cooperate with AMA for the accomplishment of this function.
- 2 AMA shall authorize specialized officials of its administration or other specialized persons to perform this inspection if:
  - a) there are reasonable grounds to show that the licensed and/or the authorized does not realize the service in accordance with the terms of the license and/or authorization;
  - b) the implementation of the service provided by the licensed causes interferences;
  - c) there is information for unlicensed and/or unauthorized activity;
  - d) there is a justified notice by an interested third party.



3 In addition to the provisions of Clause 2 of this Article, AMA shall be entitled to conduct periodical inspections with or without prior notice to the licensed and/or the authorized.

4 The licensed and/or the authorized person shall submit to the person authorized to perform the inspection the information or records that owns about this control, to allow access to its premises to carry out the inspection and to perform the examination of transmission equipment in these premises, and, when necessary, to respond to the requirements of the person authorized to exercise the inspection in order to realize it.

5 If the person authorized to perform the inspection, after the examination, determines that the licensed and/or the authorized person has committed a violation of the terms of the license and/or authorization, he shall inform the licensed/authorized by a record signed by both parties and shall notify him for the opportunity to present his claims in accordance with Clause 7 of this Article. In case that the licensed/authorized refuses to sign the record, the notice is made under Article 81 of this Law.

6 The licensed and/or the interested authorized person shall submit to AMA the necessary information and records in order to review the relevant.

7 Upon the claims submission by the licensed and/or the authorized, if any, AMA shall determine if he has violated or not, the terms of the license and/or the authorization and shall take the relevant decision, including the sanctions in accordance with this law.

8 AMA shall stipulate the rules for the fulfilment of the right of the licensed and/or the authorized referred to in Clause 4 of this Article. The rules shall be adopted for the duration of the procedures set out in Clause 4 of this Article and may include provisions for hearings or other forms that are judged appropriate.

9 Notwithstanding the provisions of Clauses 4 to 7 of this Article, in the case of interferences, is acted in accordance with Clause 5 of Article 80 of this Law.

#### Article 79

### **Frequencies spectrum monitoring**

1 AMA shall monitor the frequency bands, specified in the National Plan of Frequencies for audio-visual broadcasting, so that:

- a) the use of frequencies given with a license be consistent with the legal and applicable regulatory framework, pursuant to the terms of the license;
- b) the frequency spectrum is used only by allowed users, in accordance with the provisions of this law;
- c) to create an adequate environment without harmful interferences for the operation of the systems and the stations of the audio-visual broadcasting, that will be used for private or public purposes.

2 AMA, for the frequencies monitoring, collaborates with EPCA and other institutions, responsible for the administration of frequencies spectrum.

3 Frequency monitoring is conducted in accordance with relevant regulations, drafted by AMA.

4 The monitoring of frequencies can also be made at the request of the subjects, which hold a license issued by AMA. In this case, the monitoring costs are covered by the interested entity.

#### Article 80

### **Devices signal blocking and/or the prohibition of their operation**

1. When a natural or legal person conducts activities in the field of audio and audio-visual broadcasting, unlicensed by AMA, the persons authorized by AMA shall block the devices signal.

2. The blocked devices under clause 1 of this Article, within a month are inventoried in the presence of a natural or legal person who carries out unlicensed activity and they are seized.

3. The decision of the seizure may be appealed within 10 days to the court.

4. After the expiry of the appeal term and in the case that after the appeal the court considers eligible the seizure, the seized devices are confiscated and go to state ownership.

5. When persons authorized by AMA reveal that the broadcasting devices of AAMSP cause harmful interferences, despite the fact that for their use is given a license or the relevant authorization, they shall be entitled to stop their operation.

6. The blocking and stopping of the devices operation, according to this Article, is indicated by a stamp, the content and form of which is determined by AMA.

7. Against the written request of the subject that caused the interference, the person authorized by AMA performs the necessary verification and, if it finds that the harmful interferences are avoided, allows the further operation of the prohibited devices.

8. AMA shall cooperate with the local public authorities, the State Police and the enforcement service for the implementation of tasks for the blocking of devices.

#### Article 81 **Notification**

1. The notification of AAMSP or other persons, as defined in this chapter should be addressed to those in the following ways:

a) sending it to the address where AAMSP or the other person carries out its activity  
b) sending it by registered mail to the address mentioned in the letter "a" of this Clause;  
c) sending it by email or fax to the address and fax of AAMSP or of the other person, unless there is a possibility of receiving confirmation email or the facsimile apparatus provides confirmation of all pages of the notice. In this case, the notice must be sent in one of the ways described in letters "a" and "b" of this Clause.

2. For the purposes of this Article, a registered company under the applicable legislation for trade companies, is presumed that it has the address in which it is registered.

3. A copy of the notice is signed by the person authorized to conduct the inspection, stating his personal responsibility that the notice is an official document.

### CHAPTER XI PROTECTED SERVICES

#### Article 82 **The provision of the limited access services**

1 The provision of limited access services and their accompanying/supporting shall be carried out in accordance with the requirements provided by this law and regulations issued by AMA. Through the regulations issued pursuant to this law, AMA shall provide that the protected services are provided under fair, reasonable and non-discriminatory terms.

2 AMA shall be entitled to impose obligations for the providers of the limited access services to the extent necessary in order to ensure access by users of audio and audiovisual services, according to the 43 specifications of this law.

3 The providers of the limited access services shall provide access to interfaces/adapters of application programs or electronic manual of programs on fair, non-discriminatory and appropriate terms.

4 AMA shall stipulate the conditions of the operation of digital television equipment for the users.

#### Article 83

##### **Systems of limited access**

1. The systems of limited access for digital radio-television services should have the necessary technical capacities to enable the network operators to have full control on services that use these systems.

2. The providers of the limited access services, that provide access to digital radio and television services, shall be obliged to provide to all the AAMSPs, in fair, reasonable and non-discriminatory terms, technical assistance, enable their subscribers to have access on the services provided by through decoders.

3. For the provision of the limited access services, the operators that provide this service shall hold accounts separate from the other part of the activity.

#### Article 84

##### **Prohibited activities for the limited access**

In the territory of the Republic of Albania is forbidden to conduct the following activities:

1. The production, importation, distribution, sale, rental, or possession for commercial purposes of the prohibited devices.
2. The installation, maintenance or replacement for commercial purposes of a prohibited device.
3. The use of commercial communications to promote forbidden devices.

#### Article 85

##### **Criteria for the protection of the limited access**

1 Failure to comply with the obligations stipulated in Article 84 of this Law, if it does not constitute an offence, shall be imposed a fine as defined in Article 133 of this Law. The measure of punishment should be effective and proportionate to the caused damage.

2 Providers of conditional access services, whose interests are affected by an illegal activity, shall be entitled to seek the compensation for caused damages in accordance with the applicable legislation. In the case of the conclusion of this activity, AMA shall cooperate with the competent bodies and, where it deems appropriate, and shall require the disposal from the market of the illegal equipment.

#### Article 86

##### **Electronic guide of the program**

1. The electronic guide of the programme shall be the electronic way of delivering information to the public related to the list and time-table of the programme material from the broadcast service, which is a component part of the broadcast system.

2. Any natural or legal person shall be entitled to prepare and put into use one or more electronic guide of the program, under an authorization granted by AMA.

3. The authorization for the electronic guide of the programme should include the conditions set in the regulation prepared by AMA for this purpose. This regulation shall define:

- a) the form of information presentation;
- b) the list and time-table of programs;
- c) the priority of the order of the services provided by ART within the guide;
- d) the priority of the order of other providers of media services;
- e) the conditions for the simple use of the electronic guide by the users to easily obtain the information for the list and time-table of programs subject to license.

4. AMA shall be entitled to instruct ART or a licensed, as a provider of media services, to use the electronic guide of the programme licensed in accordance with Clause 3 of this Article.

#### Article 87

##### **“Must carry” obligations**

*(Clause 1 and 2 amended by Law No. 30/2023, dated 13.4.2023)*

1. AMA has the right to impose reasonable obligations on AMSPs regarding the broadcasting of one or more audio and audiovisual programs, the provision of accompanying services, electronic program guides (EPG), application program interfaces, especially services that enable access for users with disabilities. These obligations are imposed on operators of electronic communications networks whose networks are used by a significant number of end users as the main means of receiving audiovisual programs.

2. Must carry obligations according to Clause 1 are imposed only when they are necessary to meet the objectives of the exclusive interest and shall be proportionate and transparent.

3. In the case of application of payments for carry of programs, in compliance with the obligations specified in Clause 1 of this Article, they shall be in accordance with the principles of proportionality, transparency and non-discrimination.

4. AMA shall periodically verify the must carry obligations under Clause 1 of this Article. Each AAMSP, on which is placed the must carry obligation, shall be entitled to require AMA the review of such obligations after a 2-year period from the beginning of this obligation.

#### Article 88

##### **Change of license terms**

1. AMA shall amend the terms of the license of audio and/or audiovisual broadcasting on its own initiative:

- a) if the National Plan of Frequencies or the Plan of Frequencies Usage or the rules for the conditions of frequencies use have changed;
- b) for public needs, that cannot be achieved in another way;
- c) if the required change serves to the efficient use of frequencies and is of public interest;
- d) if harmful interferences cannot be avoided in any other way;
- e) if the change stems from international laws, applicable in the Republic of Albania.

2. The licensed shall bear with its own expense, the performance of all the necessary actions, resulting from changes in the terms of the license of audio and/or audiovisual broadcast.

#### Article 89

##### **Emergency situation**

1. AMA may issue an order to suspend the broadcast permit or of the network operation permit during this emergency situation, upon the request of the competent bodies for the management of this situation. AMA's decision must be proportional, objective and non-discriminatory for AAMSPs.

2. AMA may require to the licensed of the broadcasting to cooperate with the relevant public authorities for the dissemination of relevant information for the duration of the emergency situation.

3. If AMA exercises the competency stipulated in Clause 1 of this Article, the licensed of the broadcasting or of the network broadcasting has the right to seek cover the costs necessary to implement the conditions stipulated in the order of AMA and the compensation for damages caused to his property as a result of the implementation of this order.

4. At the request of the competent authorities for the emergency situation management, AMA shall guides the broadcasting licensed to make available broadcasting time for state institutions announcements regarding the emergency situation.

## CHAPTER XII ALBANIAN PUBLIC RADIO AND TELEVISION (ART)

### Article 90

#### **Name, location**

1. The Albanian Radio and Television (ART) is a public juridical person, non-profit, with residency in Tirana, which conducts the services of public broadcasting in the field of audio and audiovisual services in the Republic of Albania. ART has its emblem and seal set by its statute.

2. ART activity is regulated according to the provisions of this law, the declaration of scope, the service contract of the public broadcasting approved under section 117 and its statute.

3. In its composition ART has also other juridical persons, as defined by its Statute. These persons have limited legal capacity to act.

### Article 91

#### **Declaration of the scope**

1 As AAMSP dedicated to the highest ideals of the broadcasting of the national public service, ART realizes qualitative radio and television services to inform, educate and entertain the public, while serving the nation, to all groups of society, including national minorities.

2 ART is committed to impartial coverage of news of the country and those international.

3 ART shall conduct programs, which shall reflect to the listeners and viewers of all ages the variety of Albanian life. ART shall prepare qualitative and valuable programs for enriching people's mental and spiritual world.

### Article 92

#### **Administrative bodies**

The Administrative bodies of the ART are:

- a) The Administrative Council (KDRTSH/ACART-Administrative Council of Albanian Radio Television).
- b) The General Director.
- c) The Administrative Board.

Article 93  
**The structure of ACART**

1. ACART consists of the Chair and 10 members.
2. The candidate to be appointed chair of ACART can be any person, who has not less than 10 years job experience in the fields of:
  - a) Media in general,
  - b) Public, commercial or non-commercial service of audio-visual broadcasts,
  - c) Audio-visual broadcast's content products,
  - d) Media technologies,
  - e) Economy, administration and rules of competition,
  - f) Issues of development of Albanian language
  - g) Issues related to people with special needs, and to other vulnerable groups,
  - h) Art, culture and music
  - i) Justice, law or public administration,
  - j) Science, environment and technology development;
  - k) Consumer protection,
  - l) social, educational activities and activities for development of local, public and national entities that are related or have a direct impact on the audio-visual activities, as defined under this Law

Article 94  
**The appointment of ACART members**

1. ACART members are appointed by the Assembly for a 5-year term, with the right of renewal only once.
2. The Committee of Education and Public Information Means, within 30 days upon announcement of a vacant position, launches a public call, inviting the following subjects to submit the candidacies:
  - a) electronic media associations or groups;
  - b) press media associations;
  - c) electric and electronic engineering professors and associations;
  - d) professors of law, of journalism-communication and economy, lawyer associations or the National Bar Chamber;
  - e) non-profitable organizations working in the field of human rights, child rights or researches in public policies, or representatives of associations that operate in the field of disabled persons and people with special need protection.The above candidates propose the candidacies within 30 days from the receipt of invitation
3. The Education and Public Information Means Committee, makes the selection in compliance with the Articles 93 and 97 of this law, at least among 4 candidacies for each seat of ACART member.
4. In order to select the alternative candidates for each seat of the ACART Board member, The Education and Public Information Means Committee, applies the following procedure:
  - a) considers all the candidacies presented from proposing subjects,
  - b) the administered candidacies, compliant to the above-cited proposals, undergo a selection procedure one by one. The selection procedure is applied according to an order - one from the Assembly majority representatives and ones from the opposition members.

In every case the commission takes into account the preservation of the balance, five candidates supported by the majority, five supported by the opposition. The candidates for members of the ACART are proposed for approval to the Assembly session.

The selection of each candidacy must be argued by guaranteeing the compliance with the principle of non-violation of the personal and professional integrity of candidates

5. Upon completion of the term, the member of ACART holds the duty until the new member is appointed.

#### Article 95

### **The appointment of the chair of the ACART**

1. The eleventh member and at the same time The Chair of the ACART is appointed not later than 10 days after the member selection procedure has been completed, according to the Article 94 of this law.

2. Not later than 30 days after the end of the term of the Chair of the ACART, the Albanian assembly publishes the vacancy of the Chair of the ACART. Every citizen who meets the requirements of the Articles 93 and 97 of this law must be presented as a candidate for the Chair of the ACART. The application is presented together with the respective documentation, which proves the meeting of the legal criteria for membership in the ACART.

3. The list of candidates is submitted to the Education and Public Information Means Committee to verify the fulfilment of the criteria defined in this law. The list of candidates goes to The Commission for the Education and the Means of Public Information to verify the accomplishment of the criteria set by this law. The Committee, after verifying the candidacies, applies the procedure as follows:

a) identifies other candidates who have received greater support among committee members. Each committee member can support up to four candidates;

b) if two or more candidates have the same support, their selection is done by lot;

c) The representatives of the Assembly minority representatives in the Committee exclude two of the four short-listed candidates. The remaining candidates pass to the Assembly for voting

d) the candidate that gets more than half of the votes of the members of the Assembly is appointed chair of the ACART.

#### Article 96

### **Deputy-chair of ACART**

1. ACART shall appoint the deputy-chair from one of the members, elected based on the support of the proposal of the opposition, according to clause 4 of Article 94 of this law.

2. Selection takes place by secret ballot, according to the following procedure:

a) in one ballot are written the names of the five members of ACART, according to clause 1 of this Article;

b) each of the members vote by making the respective mark for one of the names in the ballot paper;

c) the member who has 7 votes shall be elected Deputy Chair of the ACART;

d) in case that none of the candidates has not taken the requested number of votes, a second voting round is conducted. The member that gets more votes in the second round is elected Deputy Chair of ACART. The voting shall take place on the same day.

e) the meeting for the election of the Deputy Chair, when the Chair is missing is lead by the oldest member is age of ACART and the election procedure is made in the presence of a notary.

#### Article 97

### **The incompatibilities and conflict of interests of ACART members**

1. The members of ACART cannot be individuals who:
  - a) are members of political parties and associations, run to be members of Assembly or have been elected as such during the last two legislatures, have run for mayor of the local government unit in the last elections, or have been a Mayor, Member of the Council of Ministers or Prefect in the last 3 years, and also those that are members of the Council of Complaints, EPCA or staff of the latter.
  - b) are related persons, according to the provisions of Law No. 07.04.2005 “On the prevention of the conflict of interests in the exercising public functions”, or own a part of the capital or shares of the commercial companies as well as other rights in the audio-visual media field, advertisement, products of content of the audio-visual broadcasts, networks of the electronic communication or employed people, members of the steering or advisory bodies of these structures or related to these entities by other contracts.
2. The ACART members should declare:
  - a) any interest or connection with any entity, with which ART has implemented or aims to implement;
  - b) any interest or connection with any contract, which ART has implemented or aims to implement;
3. ACART members cannot participate in the discussion or decision-making of issues related to these interests or connections.
4. ACART shall draft a code of conduct for adjusting its activity for issues defined in Clause 2 not later than three months from the entry into force of this law, pursuant to the specifications of this Law and Law no 9367, dated 7.4.2005 “On the prevention of the conflict of interest in exercising public functions” and approves codes of the same kind for the directors and the structures of the employees of ART.

#### Article 98

### **Remuneration**

1. In order to participate in meetings, the chair and ACART members shall receive a fixed monthly remuneration. The Assembly shall determine upon a decision the amount of the remuneration of ACART members.
2. The chair shall receive a remuneration of 20% higher than that of the member.

#### Article 99

### **The organization of ACART**

*(omitted words in Clause 6, with Law No. 22/2016, dated 10.3.2016)*

1. In the first meeting, ACART shall determine the term for the drafting of the regulation of its activity.
2. ACART shall meet every time it is necessary for the implementation of its functions but not less than once in 2 months. ACART can meet outside its programme when the meeting is called by the Chair of ACART, the General Director, the Chair of the Administration Board or 3 members.
3. The General Director, the Chair of the Administration Board, the chairs of the councils created for different issues and the directors of the administration and the entities that are part of ART



reserve the right to participate in the meetings of the ACART, upon request of the latter or upon their request, excluding the case when the ACART decides otherwise.

4 ACART meetings are valid when the majority of the members participates in them. The decisions of ACART shall be taken by the majority of the votes of the participants, excluding the cases when qualified majority is requested for the decision-making, according to Clause 6 of this Article

5 In the cases when the result of the voting is equal and the voting has not been secret vote, the vote of the chair is final.

6 ACART decisions on the approval of the regulation of its activity, the statute of ART and the appointment or the dismissal of the General Director are considered approved, when not less than 7 members vote for them.

#### Article 100

##### **Dismissal**

1. The Chair, Deputy-chair and every member of ACART shall be dismissed from the body that selected him/her when he/she:

- a) is convicted from the court with a final decisions for having committed of a criminal offence;
- b) becomes permanently incapable to work due to health conditions;
- c) is absent without any reason in more than 1/3 of the meetings of the ACART, within 1 year;
- d) is certified that he/she has violated the obligations of the Article 97 of this law;
- e) is removed the ability to act;
- f) he or she resigns

2. The dismissal of one member of the ACART can be asked from the Commission of the Education and the Means of Public Information or not less than 7 members of the ACART. The assembly examines the request within 10 days.

3. Before a member of ACART is dismissed, he is given the opportunity to present his claims in front of the Commission of the Education and the Means of Public Information. The decision to dismiss the Chair, Vice-Chair, one member or more than one member must be based on the law and grounded for the reasons leading to their dismissal. The decision of the Assembly is published.

4. The Chairperson, Vice-Chairperson and any ACART member may resign in a written form at any time. The resignation shall be presented to ACART at the broadcast meeting and shall be submitted to the Assembly as soon as possible.

5. When one of the cases defined in paragraph 1 of this Article is found, ACART Chairperson shall notify the Assembly in a written form within 5 days.

6. In any case of dismissal, a replacement is selected, following the procedure provided for the selection and for a time equal to the time left by the predecessor who was dismissed.

#### Article 101

##### **Tasks of members of ACART**

Members of ACART exert their function in a way that:

- a) represents the interests of viewers and listeners;
- b) ensures that the activity of ART in general and of its component subjects in particular are performed pursuant to this Law and its Statute;
- c) insures independence of ART on the establishment, production and content of the programme materials, preparation and provision of the news programmes and other issues of public interest and lack of the interference of the state, politics and business in these activities.

#### Article 102

## **Competences of ACART**

*(Clause 3 has been amended while Clause 3/1 has been added, with Law No. 22/2016, dated 10.3.2016)*

ACART competences are as follows:

1. Approves the regulation of its activity.
2. Approves the statute of ART, in which it determines:
  - a) the institution structure;
  - b) the administrative bodies and their competences;
  - c) the criteria and procedures for the appointment and the dismissal of the General Deputy director, of the directors of the radio and television, the constituent entities of the ART, and department heads;
  - d) the job description for all employee categories;
  - e) the description of ART activity, including the economical and financial ones.
3. Appoints the General Director with 3/5 of the votes of all its members, in the first, second or in the third ballot. If a three-fifths majority is not reached in the first ballot, ACART shall immediately set the date of the second ballot, which shall occur no later than 7 days following the first ballot. In the event that the majority of three-fifths is not reached even in the second ballot, ACART shall immediately set the date of the third ballot, which shall occur no later than 7 days following the second ballot. In the event that a three-fifths majority is not reached even in the third ballot, ACART shall immediately set the date of the fourth ballot, which shall occur no later than 7 days following the third ballot. In the fourth and fifth ballot, ACART shall decide on the appointment of the General Director with more than half of the votes of all its members. The fifth ballot shall be take place in the event when no candidate has received the required majority of votes in the fourth ballot and it shall occur no later than 7 days following the fourth ballot. The fifth ballot shall take place only between the two candidates who received the most votes in the fourth ballot. If there are more than two candidates with the same number of votes, the candidate participating in the ballot shall be determined by lot. In the event that even after the fifth ballot no candidate gets the required majority, ACART shall be dissolved.
  - 3/1. Dismisses the General Director with 2/3 of the votes of all its members.
4. Appoints and dismisses the General Deputy-director and the directors of the constituent entities with a simple majority of votes, according to the proposals of the General Director, not more than 2 weeks following the proposal of the latter.
5. Appoints the members of the Administrative Board, proposed by the General Director.
6. Approves the establishment of listeners and viewers or the advising committees, according to the statute.
7. Approves the proposed strategic plan by the General Director, related to the determination of the broadcasting services, the creation of new services, and the use of the sources and assets of ART, in accordance with the existing opportunities.
8. Approves the platform, the organizational structure, and the programming structure of ART.
9. Approves the Statement of Purpose of the ART and its constituent entities, according to the specifications in the statute, related to the activities proposed to be implemented during a 5 year period on fulfilling the purposes of public broadcasting service, and the one-year declarations related and in accordance with the Statement of Purpose.
10. Approves the proposals for opening of the channels and new services of ART, prior to submission of this proposal to AMA.
11. Monitors the impartiality, the objectivity and the integrity of the audio-visual information.

12. Approves the main criteria for the employment, job evaluation, and remuneration of employees.

13. Consults the General Director in relation to programs and assists in the designation of the programme norms and concepts, pursuant to the law.

14. Consults and assists the General Director on fulfilling his/her responsibilities.

15. Reviews and approves the requests for certain broadcasts, the regulation of archiving procedures and preservation, and also approves the regulations for ordering or broadcasting agreements for the independent content and program producers by the Member States, according to the requirements of this law.

16. Reviews and approves the annual budget, the contracts with a value exceeding 1 per cent of the annual budget, loans, rents, the financial-economic reports of ART, and every proposal for the entry into economic-civil agreements.

17. Reviews and approves loans prior to their submission for the opinion of the Minister of Finance.

18. Drafts the report for the annual activity of ART, in accordance with the requirements of this article and submits it to Assembly at the end of March every year for the following year.

#### Article 103

##### **General Director of ART**

1 The General Director shall manage and control the administration of the activity of ART and shall be responsible as the editor-in-chief of ART.

2 The General Director shall be elected by a secret vote by ACART for a five year term, among not less than two candidacies.

3 Candidates shall be selected from ACART, based on an open competition and criteria specified in ART Statute.

#### Article 104

##### **Non-compliances and conflict of interests of General Director of ART**

1. The General Director of ART shall not:

- a) be a member of political parties or associations, a candidate for member of Assembly or elected as such during the last two legislatures, have run for mayor of the local government in the last elections, or have been a Mayor, Member of the Council of Ministers or Prefect in the last 3 years, and also shall not be a Member of the Council of Complaints, EPCA or staff of the latter.
- b) be an affiliated person, according to the provisions of Law No. 9367, dated 7.4.2005 "On the prevention of conflict of interests in the exercise of public functions" or who own part of the capital or shares of trade companies, as well as other rights in the field of audiovisual broadcasts, advertising, content production audiovisual broadcasts, electronic communication networks or persons employed during the last year, members of the governing or advisory bodies of these entities or associated with any license with these entities.

2. The General Director of ART shall not hold any duty, profitable activity or be included in any second employment relationship during the time that he holds this position.

#### Article 105

##### **Tasks of the General Director of ART**

1. The General Director of ART shall:

- a) Manage the ART activity, in accordance with the requirements of this law and the ART statute;
- b) upon request of ACART, inform the latter related to every information necessary in relation to his/her functions and those of ART;
- c) nominate, discharge or dismiss, by himself or upon the proposal of the directors of ART consistent entities, the heads of departments and sectors;
- d) be responsible for the programs, so they are in accordance with the programming principles set by law, in the Statement of Purpose and in the statute;
- e) make decisions related to the issues of organization, finances, and salaries, after consulting with the Administration Board, based on the criteria set by ACART;
- f) officially represent ART in relations with third parties;
- g) respond for the legitimacy in the activity of the institution;
- h) coordinate the work of the administrative units of ART system and resolve within its competences, the disagreements borne among them;
- j) when absent, he/she may delegate his competences with special disposal to the relevant person.

2. During the reasonable absence or the vacancy of the position of the General Director of the ART, until the new director has been appointed, his tasks shall be held by the deputy-director or, in case of his/her absence, by a member of the managing administration of ART, set for this purpose by ACART.

3. The appointment, tasks and specific competences criteria of the general deputy-director shall be specified in the statute.

#### Article 106

##### **Dismissal of the General Director of ART**

General Director of ART shall be dismissed from the duty when he/she:

- a) violates the competences that are granted to him/her by law;
- b) commits a criminal offence for which he/she is sentenced by the court with a final decision;
- c) becomes permanently incapable to hold the duty because of health issues;
- d) is deprived from the ability to take actions;
- e) resigns.

#### Article 107

##### **Administration Board of ART**

1. The Administration Board is an advisory body of ACART and competent for preparing of analysis related to financial issue of ART, be them external or internal issues, except from issues related to programming.

2. ART Administration Board is composed of 5 members, 3 internal and 2 external ones, who are experts in finance, business and administration. Administration Board members shall be nominated for a four year mandate and may be re-appointed for two other subsequent 4-year mandate, if during this time they do not reach the retirement age.

3. The members of the Administration Board shall be appointed by ACART by a secret ballot and simple majority between at least 10 candidacies.

4. The Chairman of the Board shall be elected by its members by majority vote and by secret ballot between at least 2 candidates.

#### Article 108

##### **Dismissal from duty of Administration Board members**

The member of the Administration Board shall be dismissed from his/her duty in the cases when he/she:

- a) violates the obligations they are tasked with by this law and the approved regulation on the board activity;
- b) more than 5 members of ACART consider him/her incapable of performing their duty;
- c) fails to attend four consecutive meetings without reason;
- d) resigns.

#### Article 109

##### **Non-compliances and the conflict of interests of Administration Board members**

1. The members of the Administration Board may not be individuals who:

a) are affiliated ones or own a part of the capital or shares of the commercial companies and other rights in the audio-visual media field, advertisement, products of content of the audio-visual broadcasts, networks of the electronic communication or people employed during the last year, members of the steering or advisory bodies of these entities or have entered into a contract with these entities;

- b) have been elected as members of ACART;
- c) run for members of Assembly or have been elected as such;
- d) are members of the forums of any political party;
- e) are Mayors of communes or municipalities, regions and prefects;
- f) are members of AMA, EPCA and employees of these institutions.

2. The Members of the Administration Board shall not, during the exertion of their duty, to represent the interests of third parties or the competitors of the institution, or be related to business interests with competitors or third parties.

3. The Members of the Administration Board shall state:

- a) any interest or relation with any subject, with which ART has signed or intends to sign a contract;
- b) any potential interest in any contract, that ART has signed or intends to sign;
- c) May not participate in the discussion or the decision-making of issues related to interests or relations.

4. The requirements of the Code of Conduct, approved by ACART according to clause 4 of Article 97 of this law, shall be obligatory for the members of the Administration Board.

#### Article 110

##### **Meeting of the Administration Board**

1. The Administration Board shall meet according to the calendar of the issues approved by it, not less than once in a month. The Board shall meet despite the plan every time two of the members, ACART or the General Director of ART require it.

2. In the first meeting, the Administration Board shall define the approval date of its internal regulation, in which it expresses the procedures of the activities of this meeting. The regulation shall be approved with the majority of the votes of the members of the Administration Board.

3. The decisions of the Administration Board shall be valid when the majority of the members present vote. When votes are equal, the chairman vote shall be crucial.

#### Article 111

#### **Tasks of the Administration Board**

The Administration Board shall:

1 Draft rules for financial issues, which are under the jurisdiction of the General Director.

2 Provides feedback about the draft budget of ART, the annual accounts and shall follow their execution.

3 Review the convenience of the businesses, in which ART is engaged, based on the risk analysis.

4 Review the contracts, the amount of which exceeds 1 per cent of the yearly budget of ART.

5 Provide feedback about the expenses provided for in the budget. ACART shall approve by a decision the proposed measurements from the Administration Board, in relation to the expenses provided for in the budget.

6 Submit to the General Director of ART reports and financial sheets, and also shall hold other tasks in accordance with the regulations set in the statute of ART.

7 Request and receive all the necessary information for his/her work from the departments and the sectors of ART.

8 In case of conflict between the General Director of ART and the administration Board, the latter may directly address to ACART.

9 The consent of the Administration Board shall be necessary for the following activities:

a) the employment contracts, termination of agreements and the negotiation of conflicts with trade unions;

b) purchase, sale, and mortgage of real estate;

c) getting and the payment of loans.

10 The Administration Board of ART shall be paid by a fixed monthly payment. The payment amount shall be set by ACART.

1 The Administration Board shall report to the ACART after every meeting.

#### Article 112

#### **Council for viewers and listeners**

1. ART shall establish the council for viewers and listeners within 3 days from the entry into force of this law.

2. The council is composed of 15 members, selected by ACART, including journalists and other employees of ART and at least two thirds of them shall be external representatives of different social categories.

3. The council for viewers and listeners shall, during its work, assure the viewers and listeners' representation and especially those of persons with special needs.

4. ART shall ensure the Council of the conditions for the exertion of the functions of the latter.

5. The Council for viewers and listeners may request to ART, when it considers necessary and feasible, surveys and studies related to the follow-up of broadcasting services by minors and adults, elderly and other special categories of the society.

6. In execution of its functions, the board may organize hearings in live broadcasts and ask from ART, for this purpose, twice a year to make available at least one hour of broadcast, not only in the television but also in the audio one.

7. The council for viewers and listeners shall draft an annual report, related to the exertion of its functions, and shall submit it to ACART, AMA, the minister and the Commission for the Education and the Means of Public Information of the Assembly.

#### Article 113

#### **Financing of ART**

1. ART shall collect the financial funds for the functioning and the exertion of its tasks from:

- a) service tax for the use of the television receiver, approved by the legislation on taxes;
- b) contracts with third parties for different broadcasts, using the free technical capacities;
- c) other programme services;
- d) the sale of music production, videos of audio-cassettes, books, newspapers and magazines that are related to its programs;
- e) activities of the public shows;
- f) other activities set by ART statute;
- g) advertisements and the publication of other paid messages;
- h) sponsorships and donations;
- i) sale of ART programs;
- j) financing from the State Budget.

2. ART may enter into loan agreements, service contracts, transactions or joint entrepreneurship with other subjects, when these relationships are created based on the properties it has, according to the applicable legislation that regulates this activity.

#### Article 114

#### **Regulation of ART property**

The real estate of ART shall be registered as public real estate and shall be administered only by ART for fulfilling the scope defined by law.

#### Article 115

#### **Service tariff for the television receiver use**

1. The service tariff for the receiver use shall be applied for the television broadcasts receiver possessed by the persons in the Republic of Albania, regardless whether the receiver is for personal or collective use at the level, method or form set by law for the national taxes and the sub-legal acts pursuant to it.

2. The receiver charged with this tariff shall, according to this Article, be the one that serves for the reception and the following of the audio-visual services, despite the fact whether this receiver shall be in a house, public place or car.

Article 116  
**Financing from the state budget**

1. The state budget shall fund:
  - a) service of the audio broadcasts for Albanians outside the borders of Albania;
  - b) service of the audio broadcasts for the foreign public;
  - c) service of the audio broadcasts for Albanians outside the Republic of Albania;
  - d) important technical projects for the use of new technologies for production and broadcast;
  - e) important projects of film productions and great national artistic activities, produced by ART;
  - f) ART symphony orchestra and cinema.
2. The financing amounts shall be set in the annual state budget law, after the previous approval, based on the proposed project.
3. Ministries and other state institutions may finance special projects with national importance in the fields of culture, science and education, with the approval of ACART.

Article 117  
**Contract of the public broadcast service**

1. ART shall, after conducting a public consultation, prepare, not later than 1 year following the entry into force and after a 5 year period, a service contract for the public broadcast where it determines the principles that it implements and the activities that undertakes for fulfilling its scope as a public transmitter, which is presented to AMA.
2. The service contract of the public broadcast shall include, inter alia:
  - a) category and the number of hours for minor broadcasting programs;
  - b) category and number of hours for science and technology broadcasting programs;
  - c) number of publications that it should prepare, print, and distribute in accordance with its scopes as a public transmitter;
  - d) drafting, publication and distribution of the audio-visual materials, registered in accordance with its purposes as a public transmitter.
3. AMA may sign a service contract of public broadcast or request for its revision within 30 days following its submission.

Article 118  
**Main purposes of ART activity**

1. Main purposes of ART activity shall be as follows:
  - a) to respond to the interests, demands or concerns of the whole population, to keep in mind the need for understanding and peace in the Republic of Albania and beyond, to assure that the programs represent different human and cultural levels and to pay special attention to the distinguishing elements of the Albanian language and culture;
  - b) to support human and democratic values, protected by the constitution, especially the right to speech and information;
  - c) to keep in mind the need for public information and understanding of the values and traditions of the other countries, especially the European ones;



- d) to provide a full range of programs in Albanian, which represent the cultural variety, entertain, inform, and educate the public, to assure coverage of sports' activities, religious and cultural presentation and accomplish in general the expectations of the public in general and of individuals, part of social minorities, respecting in any case the human dignity;
- e) to provide news programs and current issues, in-country or outside, including the coverage of the assembly activities;
- f) to help and facilitate the expression of contemporary culture and fostering of innovations and the experimenting in broadcasting field.

2. In accordance with the main purposes of its activity, according to clause 1 of this Article, ART shall:

- a) create, maintain and commission the national service of audio and audio-visual broadcasts which has to be free of charge for the public service broadcast and accessible as much as practicable, by all citizens in the Republic of Albania;
- b) create, maintain, and commission broadcast stations and to assure installation and use of electronic communication networks for radio-television broadcasts;
- c) provide the teletext service and information through the web-page, related to its services and assure to update and maintain this webpage;
- d) create and maintain the orchestra and/or similar groups;
- e) help and collaborate with the relevant public institutions for the preparation and the distribution of the relevant information for the public in cases of an extraordinary event;
- f) create and maintain the archives of the relevant materials that are related to the purposes of its activity;
- g) create, maintain, and commission a television broadcast service and an audio broadcast service, which shall be accessible by Albanians outside the Republic of Albania as much as practicable;
- h) create, maintain, and commission after the approval by AMA, local and regional broadcast services, or for different social groups, services which have to be cheap;
- i) create, maintain, and commission non-linear audio-visual services, based on the user demand, services which might be of public service nature;
- j) create, maintain, and commission national multiplexes.

3. ART shall, in accordance with its purposes, as they are specified in clause 1 of this Article, have the right to:

- a) use, for as long as practicable or reasonable, the commercial opportunities, in accordance with its purposes;
- b) create, order, and find programs from different sources;
- c) sign contracts and agreements, collect information and news and subscribe to agencies of news services and other services, for the purposes of ART;
- d) register in international companies and music, education scenic art, culture, spectacle institutions for the purposes of ART;
- e) provide, organize and subsidize concerts, shows, and other activities, related to the broadcast service;
- f) prepare, publish, and distribute, with or without payment prints that serve ART purposes;
- g) sign agreements with other broadcasting companies or institutions for the distributing, receiving, exchanging, and re-broadcasting live or recorded programs;

- h) produce, publish, and distribute with or without payment, recorded audio-visual materials;
  - h) invest in film-making;
  - h) execute programme broadcasting, through terrestrial, satellite, cable networks, using the new broadcasting technologies.
4. ART may be included in the programme lists, drafted outside the Republic of Albania.
5. ART shall ensure broadcasting services on different topics, for certain social categories, accessible with subscription.

#### Article 119

#### **Audio-visual programs of ART**

ART includes in its free of charge broadcasts not less than:

- a) 2 audio-visual broadcasting national programmes;
- b) 2 audio broadcasting national programmes;
- c) 1 audio broadcasting programme in foreign languages;
- d) 1 audio broadcasting programme for compatriots;
- e) programmes of the regional audio-visual centres;
- f) 1 satellite audio-visual program;
- g) 1 live audio-visual broadcasting programme for the activity of the Assembly.

#### Article 120

ART shall be prohibited to make political or religious propaganda. The coverage of the electoral campaign shall be made in accordance to the specifications in the Electoral Code.

#### Article 121

#### **Coverage space**

- 1. ART national programs shall cover the territory inhabited by at least 90 per cent of the citizens of the Republic of Albania.
- 2. Within 5 years from the entry into force of this law, at least one of ART networks must cover 99 percent of the population.

#### Article 122

#### **Broadcasting infrastructure**

- 1 AMA may, after counselling with ART, ask the latter to collaborate with an entity licensed for audio and audio-visual broadcasting, for the usage of infrastructure means and signal distribution, for the audio or the audio-visual broadcasting services of the relevant license.
- 2 The licensed with the audio or the audio-visual broadcasting service shall pay to ART the periodic tariffs for the use of the broadcasting infrastructure.
- 3 The tariffs shall be drafted based on transparency, proportionality and non-discrimination principle. They shall be proposed by ART and approved by AMA, which shall reply 30 days following the proposal submission. If AMA fails to answer within this deadline, the tariffs shall be considered approved.

#### Article 123

## **Fund of independent production**

1. ART shall establish and administer a fund from its income for the financing of independent production.

2. Independent production shall mean the audio-visual broadcasting programme, made by one person or company, who meets the following conditions:

a) the persona participating in the programme or those included in its preparation and equipment and means for the execution of the programme are put by the person itself or the contracted company for the execution of the independent production;

b) the contracted person or company for the execution of the independent production is not an audio-visual broadcaster, part of it or a shareholder of one broadcaster.

3. ART shall use the fund for the independent production only for the following:

a) the ordering of the realization of the independent programs of the audio-visual broadcasting;

b) the realization of the public open competition for the selection of the proposals presented for the realization of the programs provided in letter “a” of this clause.

4. ART may not spend more than 10 percent of the independent production fund for the aim set in letter “b” of the clause 2 of this Article.

5. The fund of the independent production which is not spent within the financial year it has been created, must be spent within two years, including the respective financial year.

6. If the independent production fund shall not be spent within a set period in clause 5 of this Article, the general Director of ART, after the counselling with the Administration Board, proposes ACART the passing of the remained part of the fund of the independent production to the general budget of ART.

7. In preparing the proposal, according to clause 6 of this Article, the General Director of ART shall take into account:

a) the current financial obligations and the planned ones of ART;

b) the effects in the respective financial terms for the employment and the commitment of the human resources of ART;

c) the performance of ART obligations as a public service for the realization of the independent productions of the audio-visual broadcasting.

8. Within 3 months from the end of the financial year, ART shall draft a report for AMA for:

a) the productions orders during the past year from the fund of the independent production;

b) the name of the company or the persons contracted for this purpose;

c) the use of the independent production fund during the past year and the amount remained unused;

d) every other issue that relates to those set in clauses “a” up to “c” of this clause that AMA might ask. Copies of these are presented to the Assembly during the yearly reporting of ART.

## **Article 124**

### **Productions of ART**

1. The productions of ART, the co-productions and the ordered production of programs make at least 50 per cent of the broadcasting time.

2. The ordered production is part of the programs of ART. The orders are made to licensed entities for the production of audio-visual programs or films.

3. Co-production shall mean the production of programs in collaboration with ART and one licensed entity, where each producer commits with his financial and technical potential.

4. ART provides open public competition for the ordered productions, according to the programme structures.
5. The modalities for the ordered productions and co-productions are set in the statute of ART.
6. For the production of the audio-visual works, that are made by ordering, ART has the right to use up to 25 per cent of its budget destined for productions.

#### Article 125

### **Broadcasting networks of ART**

The services of the programs of ART are supported in the broadcasting networks as follows:

- a) networks that use the frequencies for audio-visual broadcasting. These frequencies are set by AMA, according to the National Plan of Frequencies and are part of the service contract of the public 57 broadcast, in accordance with Article 17 of this law;
- b) networks that use frequencies outside of the audio-visual bands. These frequencies are granted by EPCA, according to the determinations in the National Plan of Frequencies, in accordance with Article 54, clause 2 of this law;
- c) networks that do not require for the determination of frequencies. The provision of the services of these networks is made on the basis of the determinations of Article 54, Clause 3 of this law.

#### Article 126

### **Digital broadcast of ART**

1. ART shall, according to the contract that it signs with AMA, create, use and operate a national digital network in order to have digital broadcasts for:
  - a) its free of charge audio and audio-visual services;
  - b) other services with a public nature, set as such by AMA;
  - c) services of other broadcasters, according to the respective contracts.
2. The determinations of clause 1 of this Article do not prohibit ART to require for the creation of a second digital network.

## CHAPTER XIII

### COVERAGE OF THE IMPORTANT EVENTS FOR THE PUBLIC

#### Article 127

### **Designation of the important events**

1. AMA shall, with a decision, determine:
  - a) the list highly important events to the public, which are broadcasted free of charge by AAMSP that shall gain the right to broadcast this event and which provides general coverage;
  - b) the method of the free of charge broadcasting of an important event, if it should be broadcasted directly, registered or in both ways and in the whole or a certain part of the territory of the country.

2. AMA shall, to make the decision for the decision of the designation, keep in mind all the circumstances and, especially, the echo and the special interest, and the special values that the event has for the culture of the whole population of the Republic of Albania.

3. In order to determine the amount, in which the designated circumstances of clause 2 of this Article exist, AMA shall assess the participation of a national team or of an Albanian individual, and the previous experience, related to the coverage of the broadcast of the event or similar events.

4. AMA shall, in the designation decision, assess the nature of the event, when it is held and the practical assessment of the broadcasts in the country.

5. In the designation decision, AMA shall receive advice from the minister of culture, art, sport and tourism and the Council of Complaints.

6. The designation decision shall be submitted for feedback to the commission for the Education and Means of Public Information of the Assembly.

#### Article 128

##### **Qualification of AAMSP for the coverage of great importance events for the public**

1. Two or more AAMSP may enter into an contract or agreement in order to collectively execute the general coverage of a great importance event. In such a case these AAMSP shall be collectively considered as one AAMSP qualified related to the general coverage.

2. One AAMSP may require to AMA to resolve the disagreements, related to the service free of charge service of the broadcasting within the country for the general coverage.

3. AMA may consult technical experts or other qualified people for the agreement solution.

#### Article 129

##### **Obligations of AAMSP related to the designated events**

1 If an AAMSP in the jurisdiction of the Republic of Albania is not qualified, but owns the exclusive right to broadcast a designated event, this AAMSP makes available to the qualified AAMSP the broadcast of the event, having paid a reasonable price, based on the market value, from the latter.

2 When a qualified AAMSP owns the exclusive right or the right to broadcast the event, according to the designations of this chapter, or according to the contract signed with the event organizer, the qualified AAMSP shall broadcast the event with a free of charge service, making sure to have general coverage, in accordance with the respective decision of the designation of AMA.

3 If because of the market price value, the passing of the broadcasting right, according to the designation of clause 1 of this Article, it cannot be performed, AAMSP which has the exclusive right to broadcast the designated event, shall make available to the qualified AAMSP a summary of the event broadcast. The summary features of the event broadcast and its broadcasting method are set in a special regulation of AMA.

#### Article 130

##### **The right to short news reports**

1. For the purposes of the short news reports, every AAMSP, created in the European Union, has access to equal conditions in events of high interest for the public, which are broadcasted on exclusive basis from an AAMSP under the jurisdiction of Albania.

2. If an AAMSP, created in the Republic of Albania, has required for exclusive rights for events of events of high interest for the public, another AAMSP, created in Albania, may require from it access for the event. All the AAMSP have the right to access in the events that are of high interest for the public, in equal conditions.

3. AMA shall make sure that access to the referred events in clauses 1 and 2 of this Article is guaranteed allowing AAMSP to select freely a short part from the signal of designated AAMSP, identifying their source.

4. Short parts are used for the programs and can be used in the media and audio-visual services, according to the request, only if the same programme is provided on a later basis from the same AAMSP.

5. AAMSP that transmits the event of high interest for the public has the right to ask from an AAMSP another compensation of the current cost, for the fulfilment of this obligation. The compensation provided for must not trespass additional costs, discharged directly from the access permission.

6. AMA shall regulate the implementation of this Article, including the preparations for the compensation, the maximal length of the short parts and the time limitations regarding their transmission.

#### Article 131

#### **Appeal for high interest events**

If an AAMSP pretends that a AAMSP has been in non-compliance with Article 129, it may file a claim at the court against these AAMSP, asking as follows:

- a) cancellation of the contract of the exclusive broadcasting right;
- b) designation of civil damages, caused by the other bidders;
- c) the acknowledgement of the right to provision of the coverage of the interested entity, according to the stipulations of this law.

#### CHAPTER XIV

#### ADMINISTRATIVE VIOLATIONS AND SANCTIONS

#### Article 132

#### **Measures for Violations**

1. In cases of violation of the provisions of this Law, AMA shall impose:

- a) a fine;
- b) temporary suspension of license and/or authorization;
- c) reduction of license and/or authorization time;
- d) removal of the license and/or authorization. AMA shall, in its decision, take into consideration the measure and the duration of the violation.

2. AMA shall impose sanctions provided for in the law not later than one year from the date of the violation.

3. When AMA observes violations of the legal provisions, for which other state authorities impose sanctions by law, then it notifies the latter.

4. The sanctioned entity may appeal to AMA within 30 days following the announcement or notification date. AMA shall review the complaint and announce the decision within 30 days.

The decision of AMA may be appealed to the judicial district court where the administrative body registered office is located.

5. AMA's decisions shall be executed by the bailiff service, according to the provisions of the Code of Civil Procedure. AMA has no obligation to prepay the fee or the tax for the bailiff service.

#### Article 133

##### **Fines**

*(Clause 9/1 has been added with Law No. 30/2023, dated 13.4.2023)*

The following violations, made by the licensee or the authorized person, when they do not constitute a criminal offence, are administrative offences and sanctioned as follows:

1. With a fine starting from ALL 40,000 to ALL 400,000 on cases when he/she:
  - a) fails to observe the obligations that derive from Article 33 of this law;
  - b) fails to observe the maintenance term of broadcasts recording, according to the provisions of Article 37 of this law.
2. With a fine starting from ALL 120,000 to ALL 2,000,000 on cases when he/she:
  - a) fails to observe the time specified for broadcasting, according to license terms;
  - b) fails to comply with obligations of Articles 42, 43, 44 and 62 clause 12 of this law for broadcasting advertisements;
  - c) fails to comply with obligations of Article 45 of this law on sponsorships;
  - d) fails to observe the conditions of the license and/or the authorization regarding the programs produced in the country and the European activities;
  - e) fails to notify for the changes that have occurred to the data presented in the request for the license and/or authorization, within a period of 30 days following the date of the performing the changes;
  - f) does not allow the inspectors to enter in the premises where the audio-visual equipment of the licensed and/or the authorized are placed or the data requested by them is not given;
  - g) causes indifference towards another entity due to the lack of technical observation in broadcasting.
3. With fine starting from ALL 1 000 000 to 3 000 000 on cases when he/she:
  - a) broadcasts at another non-authorized frequency;
  - b) broadcasts with radiant power higher than the one authorized;
  - c) broadcasts from different countries than those specified in the license;
  - d) broadcasts audio and audio-visual services, according to the request, without the authorization of AMA, according to the specifications of Article 75 of this Law;
  - e) performs activity for the provision of audio and audio-visual services as requested, in contradiction to the requests provide for in Article 76 of this Law.
4. With a fine starting from ALL 1 000 000 to ALL 5 000 000 when he/she fails to observe the territorial borders during broadcast, specified in license terms;
5. With a fine starting from ALL 5 000 000 to ALL 10 000 000 on the cases when one person installs TV or radio equipment, broadcasting with an audio or audio-visual signal without authorization or licensing of AMA.
6. With a fine starting from ALL 300 000 when the licensed and/or the authorized person fails to observe the right to respond, according to Article 53 of this Law.
7. With a fine starting from ALL 1 000 000 to ALL 2 000 000 when the obligations provided for in Article 32 clause 6 of this law are not observed. Recurrence of the violation more than 3 times shall be punishable by a reduction of up to 50, for of the license and/or authorization term. In case of recurrence, the violation shall be punishable by license and/or authorization revocation.
8. With a fine starting from ALL 100,000 to ALL 2,000,000 on cases when he/she:

- a) produces, imports, distributes, sells, rents, or possesses prohibited equipment for commercial aims;
  - b) installs, maintains, or substitutes, prohibited equipment for commercial purposes;
  - c) uses commercial communications for the promotion of prohibited equipment;
  - d) fails to observe the conditions of the license according to Article 72 of this Law.
9. AMA shall decide the temporary withdrawal of the license and/or the authorization in case the entity:
- a) causes continuously damaging interferences;
  - b) fails to comply with obligations of Article 63 of this law for the digital network use;
- 9/1. On cases of violation of the obligations provided for video sharing platform providers according to Articles 30/1, 32 and 32/1 of this Law, a fine starting from ALL 200,000 to ALL 2,000,000 ALL is foreseen;
10. The fine shall be imposed by inspectors, or AMA, upon their initiative or following the complaint of the interested entities. The sanctioning with the above-said fines shall be valid also for ART.
11. A complaint may be filed to AMA against the fining, within 30 days from the notice date. AMA shall make a decision within 30 days following the complaint submission date.
12. The decision of AMA may be appealed to the judicial district court where the administrative body registered office is located.
13. The fine shall constitute an executive title that is executed from the bailiff service and 80% shall be deposited to the state budget and 20 per cent to the budget of AMA.

## CHAPTER XV TRANSITIONAL PROVISIONS

### Article 134 **Mandates of KKRT members**

The Chair and the members of KKRT, selected according to the Law No. 8410 date 30.09.1998 “On the public and private radio and television in the Republic of Albania”, as amended, continue to stay in the duty even following the entry into force of this law, up to the end of the term specified in the appointment mandate. The vacancies of AMA are filled according to the specifications of Articles 8 and 9 of this law.

### Article 135 **Mandates of ACART members**

During the first mandate, the Chair, Deputy Chair and two members of ACART, are selected for their function for a period of 5 years, 4 members for a period of 4 year and and 3 members for a period of 3 years. The determination of the members’ mandate shall be made by lot, according to the procedures specified in the regulation of the activity of the institution.

### Article 136 **Full transition to the digital broadcasting**

1. The final date of the full transition to the digital television broadcasts shall be 17th June 2015.



2. The method of the full transition in the digital broadcasts, the respective institutions, the financings, and other issues related to this process, are defined in the transition strategy from analogue broadcasting to digital broadcasting approved by the Council of Ministers.

3. Following the entry into force of this law, granting of licenses for analogue terrestrial television broadcasts shall be prohibited.

#### Article 137

##### **Modification of ART statute**

1 ACART shall, within 120 days following its first meeting, but no later than 6 months from the entry into force of this law, approve the modifications to the statute, pursuant to this law, and shall submit it to the Assembly for approval.

2 While preparing the modifications of the statute, ART shall previously consult with AMA, the Assembly and shall make a public consultation, according to the method approved previously by ACART for this purpose.

#### Article 138

##### **Validity of existing licenses**

1. Licenses for the radio FM broadcasting, granted pursuant to Law No. 8410, dated 30.9.1998 “On the public and private radio and television in the Republic of Albania”, as amended, shall be effective until the end of their term.

2. Licenses for the broadcasting of the cable television programs granted pursuant to the Law No. 8410, dated 30.09.1998 “On the public and private radio and television in the Republic of Albania”, as amended, shall be substituted with the following authorizations:

a) the authorization for the exchange of the audio programs and/or the service of the audio-visual programs released by AMA;

b) the general authorization, according to the specification of Law No. 9918, dated 19.5.2008 “On electronic communications in the Republic of Albania”, upon the notification of EPCA. The above-said substitutions shall be made within 6 months following the date of the entry into force of this law.

3. Licenses for the broadcast of the television programme with satellite granted pursuant to Law No. 8410 dated 30.9.1998 “On the public and private radio and television in the Republic of Albania”, as amended, shall be substituted with the following authorizations:

a) with authorization for the audio and/or the audio-visual program service, released by AMA;

b) with the relevant authorization, according to the specification of Law No. 9918, date 19.5.2008 “On electronic communications in the Republic of Albania”, upon notification by EPCA. The above-said substitutions shall be made within 6 months following the date of the entry into force of this law.

4. Licenses for the television broadcasting, granted pursuant to Law No. 8410, date 30.9.1998 “On public and private radio and television in the Republic of Albania”, as amended, shall be substituted with licenses for audio-visual broadcast, according to the specifications of this law. The existing licenses shall be substituted within 6 months following the entry into force of the law, with a term up to the completion of the analogue broadcasts.

5. Up to the completion of the analogue broadcasts, the analogue audiovisual broadcasts may be supported in digital networks provided by the licenses’ owners for television digital broadcasts, in the capacity of the licensed for the audio-visual program service.

#### Article 139

## **Licensing of the digital networks and programs that are supported by them in the transition period**

Notwithstanding the specifications in Articles 70 and 71 of this Law, in accordance with the strategy for executing the transition from analogue broadcasting to digital broadcasting, approved by the Council of Ministers, AMA shall license the private digital networks and the programs that are supported by them as follows:

1. Licenses for digital national networks:

a) AMA shall determine the number of licenses of the private national digital broadcasts, regional or local and the licensing rules and criteria, according to specifications in the transition strategy to digital broadcasting;

b) AMA shall, based on the developments of the audio-visual broadcast market, determine the important private national operators, and the existing operators, experienced in digital broadcasting, who are invited to participate in the selection procedure, according to the beauty contest for the national digital networks. AMA shall, within three months following the entry into force of this law, notify the public and invite the operators to participate in the selection process;

ç) the applicants participating in the selection procedure, according to letter b of clause 1 of this Article, shall meet the following criteria:

- i. the release of arbitrarily occupied frequencies, if they operate in such conditions, and migration in the frequencies specified in the Digital Plan (GE 06), according to the specifications of AMA, within a time set in the license;
- ii. each operator shall be licensed for a digital national network DVB-T2 with a compression standard MPEG-4. There are time limits included in the license, established for the transition to DVB-T2 and MPEG-4, but not exceeding three years from the time of licensing;
- iii. support of local operators' networks for the programs, according to the specifications in Article 63 of this law, and for mutual usage as well;
- iv. provision of mutual access, non-discrimination and transparency;
- v. standardization of limited access systems on the protection from the harmful programs for minors;
- vi. implementation of new and interactive services.

2. The licensed for digital networks shall comply with all the requests set in this law.

3. The national existing analogue programs continue to be broadcasted publicly even after having been supported in digital platforms.

4. The licensing for local and regional digital networks shall be made according to the following procedure:

a) all the existing analogue local operators have the right:

- i. to ask for the support of their programs in the digital network of the public television or the other digital networks, licensed pursuant to this law;
- ii. to collectively apply for a local digital network license within an area planned to be covered by a SFN network, according to the digital frequencies plan;
- iii. to participate in the contest organized by AMA for a local digital network license, according to the specifications of this law;

b) within three months following the entry into force of this law, any analogue operator shall notify AMA in writing for the support method of its programs in the digital networks, according to the specifications in letter "a" of Clause 4 of this Article;

c) AMA shall request, within three months following the entry into force of this law, all the analogue existing local operators, that operate within an area planned to be covered by a SFN DVB-

T2 network with compression standard MPEG-4, according to the frequencies plan, to apply for common possession of the local digital network without progressing to the competition process, determining also the final deadline for the submission of the mutual agreement;

d) in the event that the agreement for the mutual construction of the digital network is not signed by at least 70 per cent of the existing analogue operators, according to letter “c” of Clause 4 of this Article, AMA shall state the competition for the licensing of a local digital network in the relevant area, according to the specification in Article 70 of this law;

e) AMA shall, in the licensing of the digital networks, assure continuity of the operation of existing analogue operators in the respective coverage areas, according to at least one of the methods provided for in clause 4 letter “a” of this Article, and the release of the digital dividend band;

f) if the current coverage area of a local or regional analogue operator exceeds the dimensions of a planned area for the coverage from a SFN network, this operator has the right to own, mutually with other operators not less than four local digital networks, on the condition that this shall not oppose the requirements of Article 63 of this law.

5. The local existing analogue programs continue to be broadcasted publicly even after having been supported in digital platforms.

6. The licenses of the digital network are granted by AMA on the frequencies of the digital plan of frequencies, except for the digital dividend.frequencies.

7. If the frequencies of the digital plan are occupied with analogue existing transmissions, the existing analogue operator migrates with his expenses to other frequencies as specified by AMA.

8. The licensing, according to this Article, shall be made by AMA for a transition period up to the end of the term for the full transition to the digital broadcast, provided for in Article 136, Clause 1 of this law.

9. Upon completion of the transition period, AMA shall license the digital networks and/or programs that are supported by them, according to the licensing procedures, stipulated by this law.

#### Article 140

##### **Maximum deadline for the release of frequencies occupied arbitrarily**

1. Entities that operate unlicensed in digital broadcasting, audio and/or audiovisual, shall, within 30 days following the completion of the licensing procedure, according to Article 139 of this Law, but not later than 6 months from the entry into force of this law, interrupt broadcasting.

2. In case of violation of clause 1 of this Article, AMA shall implement the procedures specified in Article 80 of this law to block and release equipment of the frequencies arbitrarily occupied.

#### Article 141

AMA shall be responsible to issue regulations to implement this law, within 6 months following its entry into force, except the cases when it is otherwise provided in this law.

### CHAPTER XVI FINAL PROVISIONS

#### Article 142

##### **Repeals**

Law No. 8410 dated 30.9.1998 "On public and private radio and television in the Republic of Albania ", as amended, and Law No. 9742 dated 28.5.2007 "On digital broadcasting in the Republic of Albania" shall be repealed.

**Transitional provisions**

*(Decided with Law No. 30/2023, dated 13.4.2023 No. 22/2016, dated 10.3.2016)*

The provisions of ART statute for the election of the General Director of ART, which are in non-compliance with this law, shall be repealed.

**Transitional provision**

*(Decided with Law No. 30/2023, dated 13.4.2023)*

Service providers of video distribution platforms shall notify AMA on the data required according to Clause 3 of Article 30/1 within 90 days following the entry into force of this law.

Article 143

**Entry into force**

This law shall enter into force 15 days following its publication in the Official Journal.

Approved on 4.3.2013

**Proclaimed by Decree No. 8061, date 15.3.2013 of the President of the Republic of Albania,  
Bujar Nishani**