

# AMA-Audiovisual Media Authority

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## ALBANIA-COUNTRY REPORT

THE 6TH ANNUAL MEETING OF THE BLACK SEA BROADCASTING REGULATORY  
AUTHORITIES FORUM (BRAAF)  
19-20 November 2015, Yerevan, Armenia

# The Implementation of the Law on Audiovisual Media, including secondary legislation

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It was continued the work for the new regulatory acts and for the adoption of a serie of changes in the existing regulations, with the aim to fully implement the law no.97/2013 on "Audiovisual Media in the Republic of Albania", last year.

## **Four** bylaws approved by the AMA

- 1. The Interior Act "On the procedures of renewal of licenses of private audio and audiovisual operators, licensed according to Law no. 8410, dated 30.09.1998 "On the radio and on the public and private television in the Republic of Albania".
  - Regulation "On licensing of digital networks and their programs through the procedure of beauty contest".
  - Regulation "On the procedure and criteria for granting the authorizations".
  - Decision "On some additions to the AMA's decision no. 5, dated 22.05.2013, "On the approval of payments for authorization".
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# Other legislative/regulatory developments

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During this period are drafted several changes in the adopted Regulations which are in the phase of public consultation or approval process:

- Draft - Regulation "On the procedure of inspection and monitoring of activities of audio and/ or audiovisual media services providers."

The purpose of this bylaw is to improve the procedures and principles regarding the exercise of the right of licensees and/ or of the authorized, in the cases where the Audiovisual Media Authority (AMA) exercises control of the financial, technical, organizational and programming activity of the holder of a license and/ or of an authorization. Also in this act are determined the rights and obligations of the inspectors of AMA, in the context of fulfilling their legal responsibilities.

- Draft - Regulation "On gratuitous transmission of information, messages and notifications of high interest to the general public."

The purpose of this bylaw is to determine the type and the typology of information, messages and notifications that are considered to present a high interest to the public, to the entities that emit this kind of information and the conditions of transmission by the audio and audiovisual media authority provider.

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# Implementation of Digitalization Strategy.

## An update on the process of frequency allocation

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### □ **Proces:**

1. Consultation with the national historic subjects and those with experience in digital broadcasting for obtaining their opinion as stakeholders, for the adoption of the Regulation "On licensing of digital networks and their programs through the procedure of beauty contest".
  2. At the completion of the administrative procedures, AMA, approved the Regulation of "beauty contest" and opened the procedure for issuance of 5 national private licenses of digital audiovisual broadcasting, according to the procedure of beauty contest.
  3. In addition, the AMA announced the invited companies, for the withdrawal of the issuance documentations of the national private digital audiovisual broadcasting licenses, according to the procedure of beauty contest. From the 5 invited companies, 4 of them deposit in the AMA the application for obtaining the national private license.
  4. AMA has not concluded with a decision to grant/ deny the national private audiovisual broadcasting license for the above applications, due to the lack of necessary legal quorum for the relevant decision (5 votes).
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# The finalization of the establishment of the Appeals Council

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- AMA has finalized the process of establishing the Appeals Council, pursuant to Law 97/2013. It is a new structure in AMA which is focused on overseeing the implementation of the Code and regulations adopted by the AMA, dealing in particular with:

- The respect of the dignity and of other fundamental rights of the human beings,

- Protection of minors,

- The right for information and public awareness regarding the respect of moral and ethical norms.

*Currently, the AMA has not concluded with a decision for the appointment of the Chairman and members of the Appeals Council, because of the lack of necessary legal quorum for the relevant decision (5 votes).*

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# The process of frequency allocation from AMA

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- ❑ AMA is working to prepare a draft regulation for the rules and procedures of granting the national/ regional/ local digital broadcasting licenses.
  - ❑ AMA has identified the frequencies occupied by existing entities, including the bandwidth of the digital dividend, which has to be released to make way to the digitalization process and will follow this process step by step during the implementation of digital networks.
  - ❑ Unauthorized use of frequencies from some broadcasters still remains an unresolved problem of the AMA. The solving of this problem will be achieved with the licensing of national private operators.
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# Transition process from analogue to digital local operators

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**During the transitional period the analogue local operators have the right:**

- To support their programs in the digital network of the public television or in other digital networks, licensed by the AMA;
- To apply together for a local digital network license within a planned area to be covered by SFN network, according to the digital frequency plan;
- To participate in the contest organized by the AMA, for local digital network license, according to the specifications of the Law.

- Current situation:
  - Existing local operators have not passed to digital broadcasting, because the digital network of the public operator (ART) and the licensing of the national digital networks have not been completed.
  - AMA has planned to organize four regional meetings with the participation of all existing local operators to handle all issues that may arise during the process of digitalization.
  - AMA has identified free frequency channels to be used for the licensing of local operators and is currently in the process of **drafting a regulation** for the licensing of local operators during the transition phase according to paragraph 2 and 3 above.
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# The Strengthening of the administrative capacity and human resources

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- The Assembly adopted some changes in the structure of the AMA:
- Addition of the position of the General Secretary,
- The structure of the Appeals Councils (Chairman and two members) and two positions (Monitors).

*Even after these changes, the human and financial resources of the AMA remains limited, in the coming months AMA will ask for a reconstruction, which will follow the necessary organic structural changes, in order to respond efficiently to the liabilities arising from the law of the AMA.*

- It was drafted a project on new infrastructure associated with the monitoring of audio and audiovisual broadcasting.

## **The purpose of this project:**

- -to build a monitoring studio
  - -to create an archiving digital system, necessary for AMA, in order to fulfill its role as a regulatory authority in accordance with the legal provisions.
  - By creating the monitoring studios, the AMA will be able to perform effectively:
    - the monitoring and tracking the compliance of audiovisual media broadcasting with the respective license,
    - the assessment of the performance according to the standards set, and to be able to responds to the needs of the public on time.
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# The fulfillment of the technical capacities

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- AMA has managed to enable the ownership of two devices:
  - A Field Strength Meter for the digital TV signals in DVB-T2 system, 4-2250 MHz, and,
  - A Portable Spectrum Analyzer.

**New address:** AMA will be in the new building in the most beautiful Area in the center of Tirana, next year.

**Term of office** of the AMA members  
-Albanian Parliament has start the procedure for filling the vacancies for 3 member of AMA.

*"The members of AMA are elected by the Assembly for a period of 5 years, eligible for reappointment only once"*

- AMA has started the public procurement procedures for the item: "Creating a CALL CENTER at AMA's", this activity will be conducted through a company specialized in the area of a call center. It is attached at the activities foreseen under the campaign to inform the public

- AMA also has completed the procedures according to the law of the public procurement, related to the item "The Organizing of the campaign for the information of the public" as follows:

- - a) The realization of an awareness spot on digitalization and its transmission to a national radio;
  - b) Printing of brochures and leaflets with information on digitalization;

# Financial capacities of the Audiovisual Media Authority

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- The Audiovisual Media Authority (AMA) pursuant to Law 97/2013 "On the audiovisual media in the Republic of Albania", operates as a financial institution with the activities based on its income, on following items:
    - Revenues from payments for the acquisition and renewal of licenses and/ or authorizations;
    - Revenues from annual fees of licenses and/ or authorizations;
    - Revenues from the administrative processing of requests for applications;
    - Revenues from fees for certain broadcasting services in the tax laws, in the role of the tax agent;
    - Finances from the state budget;
    - Other legal sources.
  - In the current year it is evidenced a considerable increase of the revenues associated with AMA annual payment for 2015, to the extent of 80%.
  - Furthermore it is increased the collection of overdue of financial obligations for several years, to the extent of 50%.
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Thank you!

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