



This document has been provided by the International Center for Not-for-Profit Law (ICNL).

ICNL is the leading source for information on the legal environment for civil society and public participation. Since 1992, ICNL has served as a resource to civil society leaders, government officials, and the donor community in over 90 countries.

Visit ICNL's **Online Library** at
<http://www.icnl.org/knowledge/library/index.htm>
for further resources and research from countries all over the world.

Disclaimers

Content. The information provided herein is for general informational and educational purposes only. It is not intended and should not be construed to constitute legal advice. The information contained herein may not be applicable in all situations and may not, after the date of its presentation, even reflect the most current authority. Nothing contained herein should be relied or acted upon without the benefit of legal advice based upon the particular facts and circumstances presented, and nothing herein should be construed otherwise.

Translations. Translations by ICNL of any materials into other languages are intended solely as a convenience. Translation accuracy is not guaranteed nor implied. If any questions arise related to the accuracy of a translation, please refer to the original language official version of the document. Any discrepancies or differences created in the translation are not binding and have no legal effect for compliance or enforcement purposes.

Warranty and Limitation of Liability. Although ICNL uses reasonable efforts to include accurate and up-to-date information herein, ICNL makes no warranties or representations of any kind as to its accuracy, currency or completeness. You agree that access to and use of this document and the content thereof is at your own risk. ICNL disclaims all warranties of any kind, express or implied. Neither ICNL nor any party involved in creating, producing or delivering this document shall be liable for any damages whatsoever arising out of access to, use of or inability to use this document, or any errors or omissions in the content thereof.

LAW

No. 8655, dated 31.7.2000¹

ON SOME CHANGES IN LAW NO. 8410, DATED 30.9.1998 “ON PUBLIC AND PRIVATE RADIO AND TELEVISION IN THE REPUBLIC OF ALBANIA”

In compliance with articles 78 and 83 point 1 of the Constitution, upon the proposal of a group of deputies,

**THE ASSEMBLY
OF THE REPUBLIC OF ALBANIA**

DECIDED:

The following changes are made to law no. 8410, dated 30.9.1998 “On public and private radio and television in the Republic of Albania”:

Article 1

Point 3 of article 7 shall read as follows:

“The National Council of Radio and Television manages the radio-frequency spectrum set for radio and television broadcasts.

The National Council of Radio and Television manages the frequency spectrum set for the mobile and fixed services, that are used by public and private radio and television operators for the radio-rele connection, radio-microphones and radio-cameras, according to the national plan of radio frequencies approved by the Council of Ministers.”

Point 21 of the same article shall read as follows:

“Checks the quality of signal reception in the licensed areas and demands solutions to public complaints with regard to the quality of the transmission of radio and television signals.”

Article 2

Article 11 shall read as follows:

“Funding sources of the NCRT are:

- income from the payments for receiving and renewing the licenses;
- income from annual licensing payments;
- income from processing license requests;
- income from fees on radio and television broadcast services, provided in the fiscal laws;
- financing from the state budget;
- donations.

The fees for the issuance and renewal of the licenses, the license annual fees, the income provided by processing license requests, the criteria and the modality governing the same shall be determined by the NCRT.”

¹ Law published in the Official Journal No. 24, dated 7.8.2000.

Article 3

The second paragraph of article 9 shall read as follows:

"The license authorizes the use of national or local broadcast networks, and determines the working frequencies, power, location, coverage area, as well as other elements provided in this law and in the regulations of the NCRT."

Article 4

Article 20 shall read as follows:

"Two types of licenses shall be issued: national and local.

Two national private licenses shall be issued for ground television broadcasting.

Four national private licenses shall be issued for radio broadcasting in FM.

Licenses for radio and television broadcasting at the national level shall be issued to joint stock companies established in the territory of the Republic of Albania with the sole purpose of conducting radio and television activities. The shares representing the capital in a radio or television license holder company shall be nominal in value.

No natural or legal person, foreign or national, may hold more than forty percent of the total capital of the company.

Regular and special shareholders' meetings of a joint stock company, whose sole purpose is the conduct of radio and television activities, shall be recognized only if no less than two-thirds of the shareholders are present.

Any natural or legal person who holds shares in a national radio or television company shall not be permitted to hold shares, directly or indirectly, in a second national radio or television company; nor shall such a person be issued a license for local radio or television broadcasting.

Licenses for local television or radio broadcasts in FM shall be issued to natural or legal persons and non-profit organizations registered in the territory of the Republic of Albania. Such license shall not be issued to the same person for more than two local broadcast zones. Licenses for local broadcasts in urban areas with more than 200,000 inhabitants shall not be issued to natural persons.

A person, to whom a local television broadcast license has been issued, may only be granted a second local radio broadcast license.

A person, to whom a local radio license has been issued, may only be granted a second local television broadcast license.

The holder of a national radio or television broadcast license shall cover more than 70 (seventy) percent of the territory of the country. Within six years, such coverage must reach not less than 90 (ninety) percent of the territory and not less than 90 (ninety) percent of the population of Albania.

The holder of a local radio or television broadcast license must cover the area defined by the license in accordance with technical broadcasting parameters set by the NCRT.

For the purposes of this Law, the term "local radio or television broadcast" shall mean any coverage by television or radio signal transmitted by such television or radio operators as have been licensed to do the same across the territory of communes, municipalities, and administrative units of no more than two prefectures, when these constitute a single geographical entity and provide sufficient financial resources for radio and television production and broadcast of programs.

Any natural or legal person, national or foreign, who has applied for a radio or television broadcast license, shall be prohibited from using another name in any manner."

Article 5

Point 5 of article 23 shall read as follows:

"5. the declaration of the applicant that s/he will apply law no. 7654, dated 19.5.1992 "On the copyright", the complementary legislation in force, as well as agreements and contract with the authors' associations."

Article 6

The last paragraph of article 35 shall read as follows:

"Radio and television programs observe the restrictions provided in the law and in article 10 of the European Convention "On the Protection of Fundamental Human Rights and Freedoms" and the Chapter "On Fundamental Human Rights and Freedoms" of the Constitution of the Republic of Albania."

Article 7

Article 70 shall read as follows:

"Article 70

ART broadcasts include:

- 2 (two) national television programs;
- 2 (two) national radio programs;
- 1 (one) radio program in foreign languages and for the co-nationals in AM;
- programs of the regional radio and television stations;
- 1 (one) satellite radio and television program."

Article 8

Point 2 of article 122 shall read as follows:

"2. Rebroadcast of programs intended for closed television networks like hotels, elder residencies, tourist residencies, tourist villages, ships, ferry boats, hospitals, cinemas, theatres and discotheques."

Article 9

Article 126 shall read as follows:

"Article 126

Rules for Cable Distribution of Radio and television Programs

In order to achieve quality transmission of sound and image for subscribers, the National Council of Radio and Television, in cooperation with independent or public

telecommunication operators possessing cable networks, shall determine the rules and modalities for the distribution of radio and television programs."

Article 10

Article 128 shall read as follows:

"Article 128

Responders of Foreign Radio and Television Programs

"Responders are broadcasting equipment, composed of satellite receivers or ground receiver antennas, of radio or television responders, of radio or television transmitters, intended for a full, unchanged and simultaneous reception and rebroadcast in the air, within the territory of the Republic of Albania, of the radio or television programs broadcast by foreign stations by means of ground or satellite equipment."

Article 11

The second paragraph of article 129 shall read as follows:

"In determining responder frequencies and channels, priority is given to requests for channels and frequencies of licensed public and private subjects."

Article 12

Point 6 is inserted to article 130 and shall read as follows:

"6. Other conditions determined by the NCRT in its regulation for the broadcast of foreign television and radio programs in Albania."

Article 13

5 (five) articles are inserted after article 137 in chapter XII and shall read as follows:

"Article 137/1

Inspection of the Licensed Subject's Activity

The inspection of the licensed subject's activity is carried out by NCRT administration specialists. These specialists are equipped with a special identification document and are called inspectors.

They perform their inspection in the facilities where the licensed subject is developing its activity and without prior notice, to verify the implementation of the provisions of this law, of the conditions of the license and the regulations approved by the NCRT.

The licensed subject has no right to stop the inspectors from carrying out their inspection. He is obliged to collaborate with them and to give them information, when they request such a thing.

When the inspector needs special expertise he can bring experts."

Article 137/2

Equipment Blocking

The inspectors block and lock by sealing the equipment, when a license has not been taken for their usage, when they are not approved, or when the conditions of the license are not fulfilled.

The blocked equipment is taken into inventory and is seized after the deadline of a month from the date of blocking and is given later for sale to the subjects set by law. The amount of income from the sale, which is regulated in the relevant contract between the National Council of Radio and Television and the above-mentioned subject, is transferred to the state budget.

Article 137/3

Administrative Violations

When the inspectors of the NCRT prove that the licensed subject has violated the dispositions of this law, the conditions of the license and the regulations approved by the NCRT, they have the right:

1. to fine, applying the article 137/4 and to request licensed subject to take measures for the correction of the violation, by setting time limits for its implementation;
2. to propose to the NCRT the stoppage of the licensed subject's activity;
3. to propose to the NCRT the temporarily suspension of the license, the reduction of the validity period of the license or its revocation.

The NCRT, after examining the proposal of the inspectors in compliance with points "2" and "3" of this article:

- a) issues a written warning to the licensed subject, defining the violation;
- b) suspends temporarily the granted license and deducts the validity period of the license;
- c) revokes the license according to article 34 of this law.

NCRT notifies the licensed subject of its decision and the reasons for taking it, to give an opportunity to the licensed subject to give opinions, before taking the decision for the stoppage, reduction or revocation of the license.

If, even after the hearing of the licensed subject, the NCRT approves the decision, it gives the licensed subject a copy of it. The NCRT publishes its decision in the subsequent edition of the Official Journal and in its Bulletin.

The NCRT follows the implementation of the decision.

The NCRT determines the sanctions provided in the law, not later than one year from the date of the violation.

Article 137/4

Fines

The following violations, performed by the licensed subjects, when they do not constitute a criminal act, are administrative violations, and punished as follows:

1. By fine from 20.000 up to 200.000 lekë for cases when s/he:
 - a) does not provide sufficient broadcast time for information, object of article 39 of this law;

- b) eliminates, before the deadline determined in article 42 of this law, the recordings and archives of newscasts;
 - c) eliminates, before the deadline determined in article 54 of this law, the recording of advertisements.
2. By fine from 60.000 up to 1.000.000 lekë for cases when:
- a) the time frame and territorial boundaries determined in the conditions of the contract are not being respected in broadcasting;
 - b) the obligations of articles 50,51, 52, 53, 55, 56, 57 and 58 of this law for the broadcasting of advertisements are not being respected;
 - c) the obligations of the articles of chapter VII of this law, on sponsorships, are not being respected;
 - ç) the conditions of the license regarding the programs produced in the country are not being respected;
 - d) s/he does not notify for the changes occurred in the data presented in the license request;
 - dh) the inspectors are not allowed to enter the facilities where are located the radio and television equipment of the licensed subject, or if the data requested by them is not given;
 - e) s/he causes interference towards another licensed subject as a result of not respecting the technical conditions in broadcasting.
3. By fine from 500.000 up to 1.500.000 lekë for cases when:
- a) it performs broadcasts in another unauthorized frequency;
 - b) it performs broadcasting with radiation powers higher than authorized;
 - c) it broadcasts from different locations than the ones written down in the license;
 - ç) it broadcasts programs forbidden by law, as defined in article 38 of this law;
4. By fine up to 4 million lekë for cases when a person installs radio or television equipment, broadcasting by air with image or voice without the authorization and licensing of the NCRT.

A complaint can be made at the NCRT against a decision of fine from the relevant inspector within 10 days from the date of the decision. The National Council of Radio and Television takes a decision within 30 days from the date of issuing the fine.

A complaint can be made against a decision for fine within 5 days from the date of proclamation or of notification to the district court where the violation is committed, in compliance with the Civil Procedure Code, chapter "Judgment of administrative disputes".

The examination of the administrative violations, the complaint, and the execution of the decisions is made according to the law No. 7697, dated 7.4.1993 "On administrative misdemeanors," with the subsequent amendments and additions.

The fine is an executive title that is collected from the National Council of Radio and Television and is deposited in the State Budget.

Article 137/5

Collaboration with other bodies

For the exercise of the rights arising from this law, the National Council of Radio and Television must be supported by the local public and police authorities.

The Taxation Police is charged with the execution of the decisions of the National Council of Radio and Television, regarding fines, sanctions and the revocation of licenses."

Article 14

Every other act in violation with this law is abrogated.

Article 15

This law enters into force 15 days after its publication in the Official Journal.

Promulgated with the decree no. 2730, dated 7.8.2000 of the President of the Republic of Albania, Rexhep Mejdani.