

LAW

Nr. 8410, dated 30 September 1998

“On the Public and Private Radio and Television in the Republic of the Albania”

**[As amended by law nr. 8655 dated 31 July 2000, law nr. 8794 dated 10 May 2001,
law nr. 9016 dated 20 February 2003 and law nr. 9124 dated 29 July 2003]**

(Translated and prepared from Albanian to English by Kathleen Imholc)

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In reliance on article 16 of Law Nr. 7491 dated 29 April 1991 “On the Major Constitutional Provisions,” on the proposal of a group of deputies

THE PEOPLE’S ASSEMBLY OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I

GENERAL PROVISIONS

Article 1

The Object

This law regulates the activity of public and private radio and television in the territory of the Republic of Albania.

Article 2

Radio-Television Activity

Radio-television activity includes the production, broadcast and rebroadcast of programs and information of any kind by means of sound, image, coded signals or writing, intended for the public, through electromagnetic waves, cables, repeaters, satellites or by any other means.

Article 3

Legal Basis for Radio-television Activity

Radio-television activity is conducted in conformity with Law Nr. 7491 dated 29 April 1991 “On the Major Constitutional Provisions,” the international acts ratified by the Republic of Albania, the provisions of this law, Law Nr. 8288 dated 18 February 1998 “On the Telecommunications Regulatory Entity,” Law Nr. 7564 dated 19 May 1992 “On Copyright,” amended by Law Nr. 7923 dated 19 April 1995, as well as other legal provisions effective in the Republic of Albania.

In order to conduct private radio-television activity, every natural or legal person is furnished with a license.

Article 4

The Fundamental Principles for the Conduct of Radio-Television Activity

Radio-television activity is free.

In an unbiased manner, radio-television activity observes the right to information, political opinions and religious beliefs, personality, dignity, the private life of human beings, and their fundamental freedoms and rights. The rights, interests, and moral and legal requirements for the protection of minors are particularly respected in this activity.

Radio-television activity is not permitted to infringe on the constitutional order, sovereignty or national integrity.

Article 5

Editorial independence is guaranteed by law.

Hiring, promotion, and the rights and obligations of employees of public and private radio and television are not determined by sex, origin, political views, religious beliefs, or membership in trade unions.

CHAPTER II

THE NATIONAL COUNCIL OF RADIO-TELEVISION

Article 6

The National Council of Radio-Television

For the regulation and supervision of radio-television activity in the Republic of Albania, the National Council of Radio-Television (NCRT), an independent body acting on the basis of and for implementation of the provisions of this law, is created.

Article 7¹

Competencies

The National Council of Radio-Television has the following competencies:

0. It supervises the implementation of this law and other media laws by subjects exercising private or public radio-television activity in the territory of the Republic of Albania.

¹ Amended by Law Nr. 8655.

1. It monitors informational programs broadcast by national radio-television operators. When deemed reasonable, the NCRT also monitors informational programs broadcast by local radio-television operators.
2. The National Council of Radio-Television manages the spectrum of radio frequencies designated for radio and television broadcasts, in conformity with the specifications for radio delivery service in the “National Plan of Radio Frequencies” approved by the Council of Ministers.²
3. It guarantees fair competition in the field of electronic media, at the same time ensuring the further development of Albanian public radio-television.
4. It issues and revokes licenses for private subjects for the broadcast of radio-television programs, including teletext, in the territory of the Republic of Albania, and it oversees compliance with the conditions set out in the license. The examination of applications for licenses is conducted in a public manner. Decisions for granting or revoking licenses are published in the Official Journal.
5. It drafts regulations on the criteria for granting licenses in conformity with this law. It organizes the granting of licenses and guarantees equal treatment of applications. It makes known the reasons for refusal, suspension or revocation of a license and examines the complaint of a subject claiming to have been injured who, in any case, may file a complaint in court.
6. It grants and revokes licenses for the installation of radio-television repeaters of foreign programs in various areas of the country.
7. It grants and revokes licenses for the rebroadcast of foreign radio and television in the territory of the Republic of Albania for the public in Albania.
8. It issues authorizations to private and public Albanian operators to broadcast from Albania to other countries (third parties), respecting international conventions.
9. It determines the norms for the production and broadcast of the public and private electronic media related to various aspects of the implementation of this law.
10. It decides on the application of the sanctions provided by this law to subjects who violate these provisions, also, as the case may be, seeking the intervention of other bodies according to their competencies.
11. It keeps records, files and archives of licenses, as well as related documentation, reflecting all subsequent changes.
12. It requests from the state administration, courts, banks and other relevant bodies, as well as from the heads of licensees, information that it deems necessary to check the accuracy of data submitted by an applicant for a license before the license is granted or at any other moment. This data is used only to implement the duties assigned by this law. Release and publication of this information is not permitted.
13. It gives opinions on the future of radio-television activity.
14. It officially expresses its proposals on the signing and correct enforcement of international agreements that have to do with radio-television broadcasts.
15. It participates in international activities dealing with the strategy and perspectives of the development of radio and television, representing Albania, and it supports the participation and cooperation of public and private subjects with homologue European and world organizations in the sphere of radio-television programs and broadcasts. It develops studies with recommendations for Albania’s position in official international discussions on radio-television broadcasts.
16. It suggests changes to legislation and regulations that are dictated by the technological, economic, social and cultural evolution in the field of the electronic mass media.

² Amended by point of article 1 of Law Nr. 8794.

17. It develops the organizational structure and internal rules for the administration of the NCRT.
- 18.a. It approves the annual draft budget of the NCRT, examines and approves the yearly financial statement and annual report of the activity of that body before submission to the Permanent Commission on the Mass Media.³
- 18.b. It approves the organic structure and number of employees of the NCRT administration, as well as appointing and dismissing the directors in the administration of the NCRT, in accordance with Law Nr. 8549 dated 11.11.1999 “Status of the Civil Servant.”⁴
18. It reports at the beginning of each year on its annual activity and the manner in which the public and private networks have observed the obligations of this law. The report is submitted to the Permanent Commission on the Mass Media of the People’s Assembly and to the People’s Assembly in a plenary session.
The Assembly approves the annual report of the activity of the National Council of Radio Television by a majority of votes in the presence of more than half of its members. If the Assembly does not approve the annual report of the activity of the NCRT for two consecutive years, then the NCRT is dissolved. The NCRT is re-elected according to the procedures defined in this law, but no later than 30 days after the dissolution of the previous Council.⁵
19. It checks the quality of signal reception in the licensed areas and seeks solutions to public complaints with regard to the quality of the broadcast of radio-television signals.⁶
20. It issues decisions for the implementation of this law.

Article 8

Composition

The National Council of Radio-Television is composed of the chairman, deputy chairman, and five members who are personalities from social, cultural, legal, economic, educational, and media life and the technical sphere of radio-television. The NCRT acts independently in conformity with this law.

The budget of the National Council of Radio-Television is covered by the state, to an extent to allow its normal functioning. The chairman and deputy chairman of the NCRT receive the same salary as a minister and deputy minister. Once they are elected, the chairman and deputy chairman become employees of the NCRT. The People's Assembly determines the remuneration of the members of this Council.

Article 9

Election

The members of the National Council of Radio-Television are elected by the People’s Assembly for a five-year term, and for no more than two successive terms. The President of the Republic proposes one candidate to the People’s Assembly, while the other six candidates are proposed by the Permanent Commission on the Mass Media, in equal representation between the ruling and opposition parliamentary parties.

³ Added by point b of article 1 of Law Nr. 8794.

⁴ Added by point c of article 1 of Law Nr. 8794.

⁵ Amended by article 1 of Law Nr. 9016.

⁶ Amended by article 1 of Law Nr. 8655.

The chairman of the National Council of Radio-Television is elected by the People's Assembly among its seven members and on the basis of two candidacies proposed by secret ballot by the NCRT.

The deputy chairman of the National Council of Radio-Television is elected by the NCRT itself by secret ballot between two candidacies.

The term of the first elected chairman and deputy chairman is six years, in order to ensure better continuity of the functioning of the NCRT during the five-year rotation of members in the terms to follow.

Article 10⁷

Organization and Functioning of the NCRT

The National Council of Radio-Television has its own administration, which conducts all necessary preparatory and administrative activities in the service of the Council.

The organizational structure of the administration of the NCRT consists of departments and directorates. The structure of the administration, employment criteria and salary structures are determined by the NCRT in accordance with the models for similar independent institutions. Social insurance, supplementary pensions, and other legal benefits in force for institutions of the same level are also applied to the administration of the NCRT.

The internal functioning of the NCRT, its decision-making procedures and their implementation, drawn up according to the provisions in force, are proposed by the Chairman and approved by the Council.

Article 10/a⁸

Competencies of the Chairman of the NCRT

The Chairman is the executive director of the National Council of Radio-Television.

The Chairman exercises the following principal functions:

- a) he organizes, coordinates and directs the activities of the NCRT and its administration in conformity with the law and the regulations of the NCRT;
- b) he proposes to the NCRT the themes of its meetings, the agenda and the problems to be examined, with relevant draft decisions and supporting statements;
- c) he nominates and discharges the employees of the administration of the NCRT in accordance with the provisions in force for the civil service and labor relations, with the exception of employees who have been nominated by the Council itself;
- ç) he represents the NCRT in relations with third parties and international organizations;
- d) he reports to the Assembly on the annual activities of the NCRT.

⁷ Amended by article 2 of Law Nr. 8794.

⁸ Added by article 3 of Law Nr. 8794.

In discharging his functions, the Chairman issues orders and instructions to the administration.

The Deputy Chairman performs the functions of the Chairman in the latter's absence.

Article 11⁹

Funding of the NCRT

The funding sources of the NCRT are:

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

The fees for the issuance and renewal of radio and television broadcast licenses as well as the annual fees for private FM radio operators and private ground analog television operators are specified in this law according to the attached Schedule 1.

The annual fees for rebroadcasts of foreign programs by repeaters, annual fees for cable and satellite radio-television broadcasts, fees for the issue and renewal of the licenses for them, payments for the processing of license applications, and the criteria and manner governing the same are set by the NCRT.¹⁰

Article 12

The NCRT keeps accounts of income and expenses in conformity with the Albanian legislation on accounting.

Article 13

The NCRT may also benefit from financial or material donations. Donations are accepted unconditionally and used for work purposes as assessed by the NCRT. Donations are declared and recorded in a register that the NCRT administration keeps especially for this purpose. At the end of the year, the NCRT has the obligation to send a copy of the register, entries and expenses to High State Control and another copy to the Permanent Commission on the Mass Media. The register specifies the type, amount and time of the donation, the donor and the way the donation was delivered. The register also contains the identity and signature of the donor.

Article 14¹¹

Incompatibilities

⁹ Amended by Law Nr. 8655 and Law Nr. 8794.

¹⁰ Amended by article 4 of Law Nr. 8794.

¹¹ Amended by Law Nr. 8794.

The members of the National Council of Radio-Television are not allowed:

1. to be members of political parties and associations, members of parliament or of the Government, nor to declare themselves publicly or act in their interest;
2. to be members of joint stock companies related to the mass media or to represent commercial interests that are contrary to their function;
3. to be related to financial interests that have to do with radio-television broadcasts through ownership, employment or commercial relations;
4. to defend the interests of a company or firm producing audio-visual materials, press publications, advertisements or telecommunications.

During their entire term of office, members of the NCRT are not permitted to express or hold public stances that violate their impartiality concerning the interests represented in paragraphs 1 through 4 of this article.¹²

The obligations provided in points three and four of this article shall continue in force for one year after the completion of the term of NCRT members.

Employees of the administration of the National Council of Radio-Television are not permitted to be members of management boards of public and private broadcasting networks, are not permitted to be licensed for radio-television broadcasts, and are not permitted to defend the interests of a subject that has been granted a radio-television license or to exercise functions in the subject's service.

Article 15

Release from Duty

1. The chairman, deputy chairman, and any member of the NCRT is released from duty by the organ that elects him when:
 - he/she is sentenced by a final court decision for the commission of a crime;
 - he/she becomes incapable of performing duty because of illness;
 - he/she is absent from more than one-third of the meetings of the Council held in a year;
 - it is verified that he/she does not meet the obligations of article 14.
2. The chairman, deputy chairman and any member of the NCRT may give their resignation in writing at any time.
3. In each case of release from duty, a substitute is elected following the procedure contemplated for the election and for a term equal to the time left to the predecessor who was released.

Article 16

Obligation of Confidentiality

Members of the National Council of Radio-Television and administrative employees of the NCRT are obliged to keep professional confidentiality with regard to facts, information and acts of which they have become aware because of the duty they perform. For violations in this respect they bear responsibility according to the legal provisions.

¹² Added by article 5 of Law Nr. 8794.

Article 17¹³

Quorum

The decisions, recommendations, findings and opinions of the Council are approved by majority vote when a majority of the members of the Council are present.

NCRT meetings are called, and decision-making procedures and the form of voting are done, according to the provisions of Law Nr. 8480 dated 23.5.1999 “On the Functioning of the Collegial Organs of the State Administration and Public Agencies.”

The NCRT sends drafts of its normative acts for consultation to the associations of radio-television operators. The opinions submitted by these associations are made known to the Council prior to taking a decision.

The Council meets at least once a month.¹⁴

CHAPTER III

THE COMPLAINT COUNCIL

Article 18

1. The Complaint Council for Radio-Television is a body advisory to the National Council of Radio-Television.

The Complaint Council is appointed by the National Council of Radio-Television.

The Council is composed of the chairman and two members, specialists in the field of media, who are appointed for a three-year period with the right to be re-appointed not more than once.

2. The object of the work of the Complaint Council is to sensitize the public to make public and private radio-television entities implement moral and ethical norms in a responsible way in their programs.

3. The Complaint Council oversees in particular those public and private radio and television programs that display an abuse of violence, sex, and dignity. For this purpose, the Council has the right to ask for and examine any audio-visual materials that it considers necessary for the object of its work, only after it has been broadcast.

4. Complaints against public and private radio-television programs that disturb public opinion are examined by the Complaint Council within two months from the broadcast date.

5. The Complaint Council conducts opinion polls on moral and ethical issues of public and private radio-television programs. Conclusions reached from the polls and the complaints of the public are made known to the National Council of Radio-Television, as

¹³ Amended by Law Nr. 8794.

¹⁴ Amended by article 6 of Law Nr. 8794.

well as to all electronic media informing the public, which are obliged to publish these conclusions. The Complaint Council publishes the conclusions every six months in a special bulletin.

6. The remuneration of the members of the Complaint Council is determined and paid by the NCRT.

CHAPTER IV

LICENSING

Article 19¹⁵

The License

A license for radio-television broadcasting serves as the permission to install technical equipment and grants the private subject the right to broadcast. It is to contain the requirements of article 23 of this law, the rights and obligations of the subject that asks to be licensed, and to determine the technical and programming conditions that are to be met to perform the broadcasting.

A license authorizes the use of national or local broadcast networks, and determines the working frequencies, power, location, zone of coverage, as well as other elements provided in this law and in the regulations of the NCRT.¹⁶

Article 20¹⁷

General Licensing Provisions

Licenses are of two types: national and local.

Licenses for radio and television broadcasting at the national level are issued to joint stock companies with headquarters in the territory of the Republic of Albania and with the sole purpose of radio and television activities. The shares that represent the capital in a company holding a license for radio or television broadcasting are registered by name.

No natural or legal person, foreign or national, is to 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 radio-television activities, are valid only if no less than two-thirds of shareholders take part.

A natural or legal person who holds shares in a national radio or television company is not permitted to hold shares, directly or indirectly, in a second national radio or television

¹⁵ Amended by Law Nr. 8655.

¹⁶ As amended by article 3 of Law Nr. 8655.

¹⁷ The whole article was amended by article 4 of Law Nr. 8794.

company; nor is such a person permitted to receive a broadcasting license for local radio or television.

Licenses for local television or FM radio broadcasting are issued to natural or legal persons registered in the territory of the Republic of Albania with the sole purpose of radio and television activity. Licenses are not issued to the same person for more than two local broadcast zones. A license for local broadcasting in urban areas with more than 200,000 inhabitants is not issued to natural persons.

The same subject who has a local television broadcast license may receive only a second local radio broadcast license.

The same subject who has a local radio license may receive only a second local television broadcast license.

The holder of a national radio or television broadcast license is to cover more than seventy percent of the territory of the country. Within six years, such coverage is to reach up to 90 percent of the territory and not less than 90 percent of the population.

The holder of a local or national radio or television broadcast license is obligated to cover the area specified by the license in conformity with technical broadcasting parameters. The NCRT monitors the implementation of the technical broadcast parameters.

For the purposes of this law, the term “local radio or television broadcasting” means coverage with television or radio signal by television or radio operators licensed as such of the territory of communes, municipalities, and up to the administrative space of two prefectures (area of coverage), when these constitute a geographical entity and provide sufficient financial resources for the production and broadcast of radio or television programs.

Every Albanian or foreign natural or legal person who has applied for a radio or television broadcast license is prohibited from borrowing a name in any manner.

Article 21

The Procedure for Issuing a License

A license is issued by the National Council of Radio-Television, which for this purpose organizes a competition of candidacies based on the applications submitted. The winning candidacies are publicly announced.

Albanian public radio-television does not need a license.

Article 22

Validity of the License

A broadcast license is inalienable and is valid only for the subject to whom it has been issued. If the license holder enters into civil juridical relations, the object of which is also licensed radio-television activity, then the cessation or transfer of the rights coming from the

license requires the approval of the National Council of Radio-Television. The subject who has obtained these rights is granted approval in the form of a new license with the same content. When the Council does not approve of the transfer for reasons provided by this law, it offers the frequencies that pertain to this license for a new competition of candidates.

Article 23¹⁸

Application for a License

An application for a radio-television broadcasting license contains:

1. the name, location, legal form of the subject making the application together with the name and signature of the person who has the right to represent it;
2. documents certifying official and bank information on the financial capital of the natural or legal person who makes the application;
3. the name of the program and the broadcast station;
4. the object and the general characteristics of the service, information about the duration of programs and the territory they will cover, as well as the technical plan for the installation and use of the equipment;
- 5.¹⁹ [repealed]
6. a list of the administrators, forecasts of expenses and income, and the origin and amount of funding contemplated for the duration of the license sought;
7. a list of the names of the members of the Management Board and their curricula vitae. The minimum number of Board members for each licensee is provided in the rules of the NCRT;
8. the content of the programs to be broadcast and the programming structure proposed for broadcasting, which in their entirety shall clearly demonstrate pluralism and impartiality of information;
9. the ratio of the broadcast time of self-produced programs and those produced in the country in proportion to other programs.

Article 24

Decision to Grant a License

A decision to grant or not to grant licenses is given within ninety days after the deadline for submitting the applications.

For an approved application, the decision contains the content and quantity of the programs in conformity with this law, the technical broadcasting conditions, the term and the annual tariffs to be paid by the license holder.

A decision to grant a license is published in the next issue of the Official Journal.

The license holder is registered with the tax authorities.

Article 25

Term of the License

¹⁸ Amended by Law Nr. 8794.

¹⁹ Repealed by article 8 of Law Nr. 8794.

A national radio-television broadcasting license is granted for a period of up to six years for radio broadcasting and up to eight years for television broadcasting, starting from the date of the publication of the decision to grant the license in the Official Journal.

A local radio-television broadcasting license is granted for a period of up to three years for radio broadcasting and up to five years for television broadcasting.

An application for renewing a license is made ninety days before its expiration date. The National Council of Radio-Television decides to renew the license or, if the license holder has not abided by his law, to announce a competition among new candidacies.

Article 26

Refusal to Grant a License

A license is not given:

1. to persons who have been deprived of the ability to act by a final court decision;
2. to parties and political organizations, religious communities and associations, local authorities and every other state authority;
3. to public entities with an economic character, banks and other credit institutions.

Article 27

Licenses for Radio and Television

The same subject may be granted a broadcast license for local radio and television in the same territory.

Article 28

Financial Conditions for Granting a License

The NCRT verifies whether the declared and subscribed financial capital responds to the technical and programming project presented in the license application.

Article 29

Conditions of Program Content

In order to be granted a local license, at least fifteen percent of the weekly programs have to contain information and programs related to local conditions, but which do not have a commercial nature.

Article 30

Obligation to Notify of Changes

A license holder is obliged to notify the National Council of Radio-Television of any change in the data submitted in the application for a license or failure to fulfill the conditions of the license, explaining the respective reasons, preliminarily, and in any case, no later than fifteen days after the changes have occurred. If the changes are considered, the respective expenses are paid by the interested party.

Article 31

Obligatory Changes of the Terms of the License

The National Council of Radio-Television changes the conditions in the license even without the approval of its holder when the changes are dictated by the observation of international agreements signed by the Republic of Albania, if possible providing the time needed to implement the changes. In this case the expenses are paid by the NCRT.

Article 32

Commencement of Broadcasting

Broadcasting on the basis of the license granted commences only after a technical inspection of the project and the equipment by the National Council of Radio-Television, which officially confirms, in writing, the conformity of the license conditions with the actual conditions.

Article 33

Invalidity of a License

A license becomes invalid when:

1. the license has expired and has not been renewed;
2. the license holder relinquishes it in writing;
3. the National Council of Radio-Television has issued a decision to revoke the license on the basis of the competencies given to it by this law;
4. bankruptcy is declared;
5. the applicant does not take the license or fulfil the financial obligations provided by law 90 days from the moment he/she receives official notice of its approval.

Article 34

Revoking a License

The National Council of Radio-Television has the right to revoke a broadcasting license when:

1. it has been obtained as a result of false data presented in the application;
2. the conditions under which the license was granted are not met;
3. there is a serious violation of the obligations provided for in this law or other legal obligations related to the broadcasting of programs in conformity with article 137 of this law;
4. broadcasting has not started after the decision to grant the license has been in effect for a time period of:
 - a) - one hundred eighty days for local radio broadcasting;
 - two hundred seventy days for local television broadcasting;

- b) - one year for national radio broadcasting;
 - one year and a half for national television broadcasting;
- 5. after broadcasting has begun, during one calendar year there is no broadcasting for 30 days, not including interruptions for technical reasons that do not depend on the license holder;
- 6. changes have occurred with the license holder making it impossible to respect the conditions in the contract;
- 7. the property of the license holder is put up for auction.

When a broadcast license is revoked, its holder is obliged to return it, without asking for compensation for damages from the National Council of Radio-Television.

CHAPTER V

RADIO-TELEVISION PROGRAMS

Article 35²⁰

Radio-Television Program

Radio-television programs refer to the entirety of programs broadcast by a given station. Public radio-television broadcasts programs of an informational, educational, cultural, artistic and entertaining nature.

Censorship of radio-television programs is prohibited.

Radio-television programs respect the restrictions provided by law, by article 10 of the European Convention “On the Protection of Fundamental Human Rights and Freedoms” and by the chapter “On Fundamental Human Rights and Freedoms” of the Constitution of the Republic of Albania.²¹

Article 36

Public and private radio and television programs respect personal dignity and fundamental human rights, impartiality, completeness and pluralism of information, the rights of children and adolescents, public order and national security, the Albanian language and culture, constitutional and human rights of citizens, of national minorities in conformity with international conventions signed by the Republic of Albania, and Albanian religious diversity.

Article 37

The use of the Albanian language is obligatory for all programs, except musical works with lyrics in a foreign language, foreign language teaching programs, programs intended specifically for national minorities, and programs of local radio-television subjects licensed to broadcast in the language of minorities.

²⁰ Amended by Law Nr. 8655.

²¹ Amended by article 6 of Law Nr. 8655.

Films in the original version are broadcast on national channels accompanied by subtitles or dubbing in the Albanian language. For local radio-television stations this obligation comes into effect one year after licensing.

In its activity, public and private radio-television reflects a linguistic culture that conforms to the accepted national literary language norm.

Radio-television subjects otherwise licensed are exempted from this obligation.

Article 38

Programs Prohibited by Law

Programs that incite violence, national, religious, or racial hatred, unconstitutional actions, territorial division, and discrimination because of political beliefs and religious affiliation are not permitted to be shown on radio and television.

Also, it is not permitted:

1. to broadcast information that constitutes a state secret according to law, and which harms national security;
2. to broadcast information that violates the private life of citizens;
3. to broadcast coded information against the fundamental interests of the state;
4. to produce and broadcast pornographic programs.

Article 39

Information Broadcast Free of Charge

The National Council of Radio-Television defines by regulation messages of social benefit or of great interest for the general public that public and private radio and television networks are obligated to broadcast without charge.

The organs of power and the local state administration bodies have the right to ask those licensed for local private radio and television broadcasting to broadcast free of charge short announcements of special interest for the public in the areas where they broadcast and that have to do with health, natural disasters and order.

The broadcasters are not responsible for the content of these messages.

Article 40

Duration of Broadcast for Private Programs

The broadcasting of programs on local private radio-television is to have the following duration:

1. Not less than six hours a day for radio broadcasting.
2. Not less than four hours a day for television broadcasting.

The broadcasting of programs by national private radio-television is to have the following duration:

1. Not less than 10 hours a day for radio broadcasting.
2. Not less than six hours a day for television broadcasting.

Simple rebroadcasts or fixed pictures are not considered programs.

Article 40/1²²

Obligation to Deposit Documentation about the Right to Broadcasts

Radio-television operators broadcast programs produced by them themselves, in co-production with others, by agreements by contract of sale, exchange or donation.

Radio-television operators are obligated to identify, by sign or voice, as well as to document the programs defined in the first paragraph, specifying the type of program, the one who realized the program and the one who has ownership of it.

Licensed radio-television operators are obligated to deposit with the National Council of Radio and Television the documentation that proves that they have the right to broadcast the programs by agreement by contract of sale, exchange or donation.

Article 40/2²³

Not Permitting the Broadcast of Programs with the Distinguishing Sign

of Foreign Radio-Television Operators

Except for operators licensed for broadcasts of foreign programs by radio-television repeaters, radio-television operators are not permitted to broadcast a program with the distinguishing sign of foreign radio-television operators.

Broadcasts of programs translated into Albanian, even when their broadcast is direct, that are regulated by agreement between the parties, in conformity with the criteria specified in the license, are an exception.

Article 41

News Broadcasting

Public and private national radio and television stations are obligated to broadcast news every day.

The news and information broadcast by radio and television operators in their newscasts present the facts and events in a correct and impartial way, promote the free formation of opinions and do not serve the interests of any political party or organization, economic group, and religious association or community in a biased way.

²² Added by article 1 of Law Nr. 9124.

²³ Added by article 1 of Law Nr. 9124.

Article 42²⁴

Recording and Archiving News

News that is broadcast on radio-television (public and private, national and local) is to be recorded and kept for a period of two months after the day of broadcast.

News and any other recorded program are not to be excluded from the provisions of Law Nr. 7726 dated 29 June 1993 “On the National Archival Fund and the Archives” to the extent their implementation is possible.²⁵

Article 43²⁶

Broadcast of Films

Works of cinematography (with the exception of cases of agreement between the broadcaster and the copyright holder) may be broadcast by television stations only two years after the premiere of the work in the cinemas of the country of origin. For works produced in cooperation with television companies, this term is reduced to one year, unless otherwise provided in the agreement.

Films and programs that are prohibited to be shown in cinemas are not shown on television.

Films prohibited for children less than fourteen years of age are not shown on television, even in part, from 6:00 am to 2:00 am of the following day.

In the broadcasting of films, the requirements of Law Nr. 8096 dated 29 April 1996 “On Cinematography” as well as Law Nr. 7564 dated 19 May 1992 “On Copyright,” amended by Law Nr. 7923 dated 19 April 1995, are followed.

When provisions governing copyright and rights relating to radio-television broadcasting are violated, the interested party files charges with the court in conformity with and according to the procedure specified by the law on copyright.²⁷

Article 44

Confidentiality of Sources of Information

The confidentiality of sources of information (including materials investigated by journalists) is guaranteed. They are disclosed only in special cases provided by law.

Article 45

²⁴ Amended by Law Nr. 8794.

²⁵ Amended by article 9 of Law Nr. 8794.

²⁶ Amended by article 10 of Law Nr. 8794.

²⁷ Amended by article 10 of Law Nr. 8794.

Responsibility for a Program Broadcast

The journalist and editor responsible for material broadcast on private or public radio-television, have criminal or civil responsibility, as the case may be, when the falsity of the information or the program broadcast causes moral or material damage to private or legal persons.

Article 46

Informational Press Review

Informational reviews of daily and periodical press on radio-television programs are broadcast only with the permission of the publisher of each press organ.

Article 47

The Right of Rebuttal

A subject whose moral or material interests are affected by untrue broadcasts has the right to ask the private or public radio-television subject to broadcast a rebuttal answer on radio or television, respectively.

The rebuttal is aired free of charge in the next edition of the same program or category of programs.

The rebuttal is to be signed by the interested party or his legal representative and to contain only the facts that he believes affect him.

The subject demanding the right of rebuttal provides evidence that the information broadcast about him is false and that a lawful interest was harmed.

The right of rebuttal is not granted when the facts that the person thinks affect him have emerged in sessions of the People's Assembly or during court proceedings.

The right of rebuttal may be refused when:

1. the interested subject does not have a lawful interest in its publication;
2. the rebuttal is much longer than the qualifying statement for which the rebuttal is sought;
3. the demand for rebuttal was not made within two months from the day of broadcast of the statement that is objected to.

A refusal of the rebuttal for the above reasons is given in writing.

For failure to observe the right of rebuttal, the person responsible for the program is punished according to the sanctions provided in this law.

The refusal of radio-television subjects to broadcast a rebuttal is subject to appeal to the NCRT. Both parties may contest NCRT decisions in court.

Article 48

Annual Balance Sheets and their Content

Public and private radio-television operators are obliged to draw up annual balance sheets in conformity with the accounting legislation, which they deposit with the NCRT. In particular, they reflect information on the programs broadcast, their prices in case of purchase, or the amount spent in case of original productions, information about the advertising broadcast, or other activities and the respective income, sponsorships, and a list of financial supporters or donors with the respective amount, and any other remuneration for the benefit of the public or private radio-television subject.

CHAPTER VI

ADVERTISING

Article 49

An advertisement is any message that aims at promoting the sale or purchase of goods or the performance of a service, by presenting an idea to achieve the effects desired by the advertiser to whom broadcast time has been given for payment or another form of compensation.

Article 50

Advertising Conditions

Radio-television broadcasters are obliged to ensure that the advertisements:

1. are spoken in Albanian or have Albanian subtitles;
2. are honest and do not damage others;
3. are not deceitful and do not prejudice the interests of consumers;
4. are not made by regular newscasters or those who present programs in a public broadcast.

Subliminal advertisements (which act on the viewer's subconscious and because of the speed of transmission are not perceived by the human senses) are prohibited.

Article 51

The Form of Presentation of Advertisements

Advertisements are broadcast between programs or within them, as well as in special programs (advertising programs).

In radio, the broadcast of advertisements is clearly separated from other parts of the program by acoustical means, while in television, with the aid of optical and acoustical means. In principle, they are broadcast in blocs.

The broadcast of advertising programs is permitted if the advertising nature of the program is clearly stated and advertising is an essential part of it.

An advertising program is presented as such at the beginning of the program and at the end features the note: "Advertising Program."

Article 52

Insertion of Advertisements

Advertisements may be inserted between programs as well as, in the cases described below, in the body of programs, but not damaging their integrity and value.

In programs composed of independent parts or in cultural and sports programs, or similar events that contain intervals, the advertisements are inserted only between the parts or in the intervals. In other programs, no interruption for advertising shall occur until at least 20 minutes have passed from the last interruption.

When broadcasting of a film (excluding documentaries) lasts longer than 45 minutes, it may be interrupted once for every complete 45-minute period for advertisements that do not exceed two minute blocs. Another interruption is allowed if the film continues for at least 20 more minutes after two or more 45-minute periods.

Advertisements are not inserted in any broadcasting of religious services.

Newscasts, documentaries, and children's programs that are less than half an hour are not interrupted by advertisements.

Article 53

Duration of Broadcasting of Advertisements

The duration of broadcasting of advertisements on television is not to exceed 15 percent of the daily broadcast time.

The duration of television advertisements during one broadcast hour is not to exceed 12 minutes.

The duration of radio advertisements is not to exceed 10 percent of the total broadcast time.

The requirements of this article are obligatory for public radio and television.

Article 54

Archiving of Advertisements

Advertisements that have been broadcast are kept recorded, in order, for one year from the date of broadcasting.

Article 54/1²⁸

For the broadcast of radio-television advertisements, radio-television operators should have the right to broadcast them in Albania.

Article 55

Restrictive Provisions for Advertisements

Radio and television are not permitted to broadcast:

1. advertisements that influence the content of the programs;
2. advertisements that encourage pornography and violence;
3. advertisements of tobacco products;
4. advertisements of armaments and military equipment;
5. indirect advertisements;
6. religious or atheistic advertisements;
7. advertisements of food products that have not been approved by the competent bodies, according to article 19 of Law Nr. 7941, dated 31 May 1995 "On Food;"
8. advertisements of political parties or associations, except for cases provided by the electoral laws;
9. other advertisements that violate the laws in force.

Article 56

Protection of Minors

Advertisements that encourage behavior endangering the health and normal psychological development of children may not be broadcast on radio or television.

Advertisements intended for children or created with the participation of children shall avoid anything damaging the interests and special nature of their age.

Article 57

Advertisements for Alcoholic Beverages

Advertisements for alcoholic beverages of all kinds are subject to the following conditions:

0. They are not to address children specifically, and they are not allowed to appear in advertisements holding alcoholic beverages in their hands or in any other way;
 1. The consumption of alcohol is not to be advertised in connection with physical training, energy, or as having therapeutic value;
 2. The percentage of alcohol in the advertised beverages is prohibited from being promoted;
 3. Excessive consumption of alcohol is not to be advertised.

Article 58

²⁸ Added by article 2 of Law Nr. 9124.

Advertisements for Medicinal Drugs

Advertisements for medicines and medical treatment given or performed only with a doctor's prescription are prohibited.

Advertisements for medical drugs that are not produced and approved according to Law Nr. 7815 dated 20 April 1994 "On Medicines" are prohibited.

Advertisements for medicinal drugs are to present their effects accurately and fully, only according to data and verifications announced by the competent bodies and according to the respective laws.

CHAPTER VII

SPONSORSHIP

Article 59

Sponsorship

Sponsorship is the direct or indirect financing by a natural or legal person of a radio-television program, with the purpose of advertising the person's name, production company, or image.

Every sponsorship shall be effectuated in conformity with the legislation in force.

Article 60

Reflection of Sponsorship

When a program or series of programs is partly or fully sponsored, this is to be clearly indicated in the respective titles at the beginning and end of the program.

Article 61

Independence from the Sponsor

In no case is the sponsor permitted to interfere with the content and scheduling of sponsored programs in order to influence the editorial responsibility and independence of the sponsored program.

Article 62

Sponsor Restrictions

Sponsored radio-television programs are not permitted to make special references to promote the sale, purchase, taking or leasing or preference for the sponsor's services or services of a third party.

Article 63

Prohibition of Sponsorship

Natural or legal persons are not permitted to sponsor programs when their principal activity is the manufacture, sale, or offering of services, the advertisement of which is prohibited by this law.

Newscasts and events of the day are not sponsored.

CHAPTER VIII

ALBANIAN PUBLIC RADIO-TELEVISION

Article 64

Designation, Location

Albanian public radio-television is the institution that renders public service in the field of radio and television.

The activity of Albanian public radio-television is regulated by this law.

Article 65

- The name of Albanian public radio-television is Albanian Radio-Television.
- The abbreviation of the institution is ART.
- The name of Albanian public Television is the Albanian Television (abbreviation: AT).
- The name of Albanian public Radio is Radio Tirana (abbreviation: RT).

The headquarters of ART is in Tirana.

ART also includes regional radio-television stations in the territory of Albania.

Article 66

Statement of Purpose

As a broadcaster dedicated to the highest ideals of broadcasting of national public service, ART conducts high quality radio-television services to inform, educate and entertain the public, serving the nation and all the groups of society, including national minorities.

ART is committed to impartial coverage of national and international news.

ART creates programming that is to reflect the diversity of Albanian life for listeners and viewers of all ages. ART prepares high quality programs with values that enrich people's mental and spiritual world.

Article 67

Radio-Television Programs of ART

The radio-television programs of ART are created in conformity with the statement of purpose and the requirements of article 36 of this law, as well as with professional standards.

In addition to meeting the requirements of article 36, ART also aims at:

- supporting Albanian culture and literary and artistic creativity by promoting the freedom of creativity in the most varied forms;
- educating and developing the culture of spoken Albanian according to the rules of orthography.

Article 68

In broadcasts by its central and regional studios, the program of ART ensures:

- a diversity of political, social and cultural information and entertainment from the country and the world,
- the provision of information from the whole territory of the Republic of Albania,
- the provision of information for national minorities,
- the provision of information for the public outside the country.

Article 69

The programs of ART are broadcast by ground, satellite, and cable transmitters.

ART also provides services by using new broadcast technologies.

Article 70²⁹

ART includes in its broadcasts:

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

Article 71

The national programs of ART are to cover a territory that is inhabited by at least 90 percent of the citizens of the Republic of Albania.

Within five years from the day of approval of this law, at least one of the programs of ART is to cover 99 percent of the population.

Article 72

Productions of ART

The productions, co-productions, and production of ordered programs by ART shall make up at least 50 percent of its broadcast time.

²⁹ The whole article was amended by article 7 of Law Nr. 8655.

Article 73³⁰

Ordered production is part of the programs of ART. The orders are produced by subjects licensed to produce audio and video programs or films.

Joint production is the production of programs in collaboration between ART and a licensee, where each producer has a stake in its financial and technical potential.³¹

Article 74

ART offers public competitions for the productions that are ordered, according to the programming structure.

Article 75³²

The modalities for ordered productions and joint productions are defined in the charter of ART.

Article 76

ART has the right to use up to 25 percent of its production budget for the production of ordered audio-visual works.

Article 77³³

The Rights and Obligations of ART

ART has exclusive broadcasting rights throughout the territory of the Republic of Albania for cultural, artistic and sporting activities of national interest that are organized by institutions of the public administration at the central or local level or are financed from the State Budget.

Sporting activities of national teams of the Republic of Albania are broadcast exclusively for the territory of the Republic of Albania by ART, in all cases when Albanian federations or games committees or any other Albanian public institution holds the copyright or rights related to their broadcasting.

In no event may ART acquire or deal with the copyrights without the written agreement of the holder of such rights.

Article 78

ART prepares news chronicles and informational reports without being obliged to pay the organizers of the activities.

³⁰ Amended by Law Nr. 8794.

³¹ Added by article 11 of Law Nr. 8794.

³² Amended by article 12 of Law Nr. 8794.

³³ Amended by article 13 of Law Nr. 8794.

Article 79

ART records in full the sound track and picture of the programs it broadcasts. These recordings are kept for a period of not less than three months.

Article 80

Obligations of ART toward State, Public and Private Institutions

ART broadcasts the sessions of the proceedings of the People's Assembly as provided for in respective legislation on elections and referenda.

Article 81

During election campaigns and referenda, ART allocates free broadcast time to the participating parties according to the number of minutes determined in the respective legislation on elections and referenda.

Article 82

ART allocates free broadcast time to religious institutions for the broadcast of ceremonies celebrated on days that the law defines as official holidays.

Article 83

The subject given broadcast time has full responsibility for the content of the messages provided for in articles 80, 81, and 82.

The General Director of ART suspends the broadcast of these messages in cases when their content clearly and seriously violates the laws in force. The Steering Council decides whether or not to broadcast the messages suspended by the general director.

Article 84

ART is prohibited from political and religious propaganda.

Article 85³⁴

ART makes facilities it owns available to other radio-television operators for the installation of broadcast equipment on the basis of bilateral agreements and contracts.

The fees for the use of ART facilities or equipment for setting up and maintaining the broadcasting equipment of other radio-television operators and the standard contract are drawn up by ART on the basis of technical and economic indicators. The National Council of Radio-Television approves them after considering the objections of radio-television operators.³⁵

³⁴ Amended by Law Nr. 8794.

³⁵ Added by article 14 of Law Nr. 8794.

The modalities, including guarantees for fair competition among radio-television operators, are determined in rules of the NCRT, in compliance with article 7, point 4 of this law and the charter of ART.

Article 86

Management Organs

The management organs of ART are:

-) the Steering Council;
- a) the General Director;
- b) the Administrative Board.

Article 87

The Steering Council

Composition and Nomination Procedure

The members of the Steering Council are public personalities from various fields: culture, art, cinematography, journalism, law, economy, public relations, international relations, from the universities and the Academy of Sciences, and radio, television and technical experts.

Article 88³⁶

The Steering Council of ART is composed of 15 members, who are elected by the Assembly of the Republic of Albania. Candidacies are proposed by the Permanent Commission on the Mass Media. The Commission submits to the Assembly a list of twice as many candidates as follows:

- a) Ten members are elected equally among the twenty candidacies proposed by the majority and the opposition, according to the percentage of representation in the Assembly.
 - b) One member each among two candidacies proposed by:
 - the Academy of Sciences;
 - the University of Tirana;
 - the League of Writers and Artists,
- as well as two members among four candidacies proposed by the journalists' associations.

Article 89³⁷

The members of the Steering Council specified in article 88, letter "b,"³⁸ are voted for in the People's Assembly after the competent subject who has the right to appoint its representative to the Steering Council of the ART has submitted its decision with two candidacies signed by the executive head to the Permanent Commission on the Mass Media.

Article 90³⁹

³⁶ Amended in its entirety by article 2 of Law Nr. 9016.

³⁷ Amended by Law Nr. 9016.

³⁸ Amended by article 3 of Law Nr. 9016.

³⁹ Amended by Law Nr. 9016.

Incompatibilities

Members of the Steering Council of ART may not be deputies, ministers, high state officials, members of political organizations or directors of not-for-profit organizations.⁴⁰

Members of the Steering Council of ART may not be employees of ART and shall not have been employed by it within the past three years.

Members of the Steering Council of ART may not be the sole or partial owners of other private media companies or employed by them.

Article 91

Term of Office

The mandate of members of the Steering Council of ART lasts five years. Each member of the Steering Council of the ART may be reelected for another mandate only after an interruption of three years.

Article 92

The Steering Council of ART is considered to have been created if in the first meeting convened by the present chairman of the Steering Council or by one-third of the newly elected members, it is concluded that two-thirds of the members who make up the Steering Council are present.

The first meeting is convened no later than fifteen days after the election of members of the Steering Council.

Article 93⁴¹

1. A member of the Steering Council of ART is replaced when:

- a) his mandate expires;
- b) he leaves duty in conformity with point 2 of this article;
- c) he dies;
- ç) he resigns;
- d) he is sentenced with a final court decision for the commission of a criminal act.

2. The Assembly removes a member of the Steering Council of ART on the proposal of the Permanent Commission on the Mass Media, when:

- a) he becomes incapable of performing his duty because of illness;
- b) he does not take part in meetings of the Steering Council for six months in succession;
- c) he performs activity that creates a conflict of interest or when legal impediments to vote in meetings of the Steering Council within the meaning of article 37 of Law Nr. 8485 dated 12 May 1999 “The Code of Administrative Procedures of the Republic of Albania” are verified, although he had knowledge of the existence of the cases of disqualification in decision making.

⁴⁰ Amended by article 4 of Law Nr. 9016.

⁴¹ Amended in its entirety by article 5 of Law Nr. 9016.

3. When one of the cases defined in point 1 of this article is found, within five days the Chairman of the Steering Council of ART gives written notification to the Assembly and the other institutions that proposed the respective candidacy.

4. If the place of a member of the Steering Council of ART is vacant, the Assembly, respecting the ratio of representation, elects a new member, in conformity with the procedures defined in article 88 of this law. This member stays in duty until the expiration of the mandate of the member who has been replaced.

Article 94

At its first meeting, the Steering Council determines the time periods for drawing up the rules of its activity and elects the chairman and vice-chairman from among its members.

The chairman of the Steering Council is elected by a relative majority among not less than two candidacies.

Article 95

An ordinary meeting of the Steering Council is held when more than 50 percent of its members are present. The decisions of the Steering Council are valid when more than one-third of all members have voted for them.

Article 96

The Steering Council meets at least once every two months. It may meet in special session whenever the chairman of the Steering Council, the general director, or one-third of its members ask for a meeting.

Article 97

The general director and the chairman of the Administrative Board have the right to participate in the meetings of the Steering Council, except when the Council decides otherwise.

Article 98

The members of the Steering Council receive a monthly compensation for their services. The amount of the remuneration is no less than one-fifth of the general director's salary. The remuneration of the chairman of the Steering Council is equal to one-fourth the salary of the general director of ART.

Article 99

The Competencies of the Steering Council

The Steering Council has the following competencies:

0. It approves the rules of its activity.
1. It approves the charter of ART within seventy days from its first meeting.

Specified in the charter of ART is:

-) the structure of the institution;
 - a) the management bodies and their competencies;
 - b) criteria and procedures for the appointment and dismissal of the deputy general director, the directors of Radio and Television, and the heads of the departments;
 - ç) the job description for all categories of employees;
 - c) a description of the financial and economic activity of ART.
2. It appoints and dismisses the general director by a two-thirds majority, according to the procedure set out in the charter, no later than one month from its first meeting.
 3. It appoints and dismisses the deputy general director and the directors of Radio and Television by a simple majority vote, on the proposals of the general director, no later than one month after the appointment of the latter.
 4. It approves the members of the Administrative Board proposed by the general director.
 5. It approves the platform, organizational structure and programming structure of ART.
 6. It oversees the impartiality, objectivity, and completeness of radio-television information.
 7. It approves the principal criteria for the employment, evaluation of job performance, and remuneration of employees.
 8. It advises the general director on programs and helps determine programming norms and concepts in conformity with law.
 9. It advises and helps the general director in realizing programming responsibilities.
 10. It states its position in writing with regard to specific broadcasts that have violated the programming norms provided in this law. It advises the general director, after hearing his opinion, and requires guarantees to prevent such violations.
 11. It drafts a report of the annual activities of ART in conformity with the requirements of this article and submits it to the People's Assembly by the end of the month of March of each year.

Article 100

The General Director

The general director is the manager of programming and the financial and business activity of ART.

The general director of ART is elected by secret ballot by the Steering Council for a five-year period from among not less than two candidacies.

The selection of candidacies is made by the Steering Council on the basis of an open competition and according to criteria defined in the charter of ART.

Article 101

The general director of ART is not permitted to be a deputy, member of the Government, member of the management forums of any political party, member of the Steering Council of ART, owner, co-owner or member of any private media subject.

Article 102

The general director has the following rights and duties:

0. He directs the activity of ART in conformity with the requirements of this law and the charter of ART;
1. He appoints, releases from duty, and dismisses, in conformity with the laws regulating labor relations, all his subordinates, except when it is provided otherwise in this law and in the charter of ART.
2. He appoints, releases from duty, or dismisses, himself or on the proposal of the directors of Radio and Television, the heads of departments and sectors.
3. He is responsible for programs being in conformity with the programming principles established in this law.
4. He makes decisions related to issues of organization, finance and pay, after consulting with the Administrative Board, based on criteria set by the Steering Council of ART.
5. He represents ART officially inside and country and abroad, as well as in court.
6. He is responsible for checking legality in the activity of the institution;
7. He coordinates the work of the administrative units of the ART system and resolves, within his competencies, disagreements that have arisen among them.

Article 103

The general director is released from duty before the legal term:

- when he violates the competencies this law gives him;
- when he commits a crime for which he is sentenced by a final court decision;
- when he becomes unable to carry out his duties because of illness;
- when he resigns in writing and it is accepted by the Steering Council of ART.

Article 104

The Administrative Board of ART

The Administrative Board is a consultative organ of the general director for internal and external ART financial issues, with the exception of issues related to programming.

Article 105

The Administrative Board of ART is composed of five members (three internal and two external), who are experts in problems of management, finance, and business. Members of the Administrative Board are appointed for a period of four years and may be re-appointed for two other terms, if they do not pass retirement age during this time.

Article 106

The Administrative Board is appointed by the Steering Council of ART by secret ballot and simple majority, among eight candidacies proposed by the general director. The Board elects a chairman from among its members, by secret ballot and simple majority, between two candidacies.

Article 107

Removal from Duty

Members and the chairman of the Administrative Board are removed from duty before the legal term, on the proposal of the general director, in the cases when:

- they violate the obligations with which this law and the rules approved for the activity of the board charge them;
- at least eight members of the Steering Council consider them unable to carry out their duty;
- they are absent without cause for four meetings in succession;
- they are punished for the performance of a criminal act.

Article 108

Incompatibilities

Members of the Administrative Board are not allowed to be members of the Government, deputies of the People's Assembly, members of the leading forums of any political party or of the Steering Council of ART.

Article 109⁴²

While exercising their function, the members of the Administrative Board are not allowed to represent the interests of third parties or of competitors of the institution or to have business relations with competitors or third parties.

Article 110

Ordinary meetings of the Administrative Board are called once a month. The Board may also hold special meetings, when at least two of its members or the general director of ART requests such a meeting.

At its first meeting, the Administrative Board determines the time period for approval of its internal regulations, which clearly express the procedures of the activity of this body. The Steering Council of ART approves these regulations.

Article 111

Decisions of the Administrative Board are valid when a majority of the members present have voted for them. When the number votes is equal, the vote of the chairman is decisive.

Article 112⁴³

The Administrative Board of the ART has the following competencies:

0. It compiles rules on financial issues, which are approved by the general director;
1. It compiles the draft budget of ART and annual financial statements and monitors their implementation on behalf of the general director;
2. It examines the profitability of the businesses in which ART is engaged;

⁴² Amended in its entirety by Law Nr. 9016.

⁴³ Amended by Law Nr. 8794.

3. It examines contracts that amount to more than 5 percent of the annual ART budget;
4. It gives opinions on expenses not contemplated in the budget. The Steering Council of ART gives a decision approving the measures proposed by the Administrative Board relating to the expenses that were not contemplated.⁴⁴
5. It submits financial reports and balance sheets to the general director and carries out other duties in conformity with the regulations provided in the charter of ART;
6. It asks for and collects all information necessary for its work from the departments and sectors of ART.

In case of conflict between the general director and the Administrative Board, the latter may appeal to the Steering Council.

Article 113

The consent of the Administrative Board is necessary for the following activities:

- employment contracts, finalization of agreements and negotiation of conflicts with trade unions;
- the purchase, sale, and mortgage of properties;
- receiving bank loans or paying them off;
- finalizing contracts for new investments, when the amount to be invested by ART is over 5-10 per cent of the annual budget of the institution.

Article 114

The Administrative Board of ART is compensated for each meeting it holds. The Steering Council of ART determines the amount of compensation.

Article 115

Financing of ART

ART secures financial funds for the creation, preparation, broadcast and dissemination of its programs from the following sources:

- fees on receiving equipment for ART programs approved according to the law on fees;
- contracts with third parties for various broadcasts, exploiting free technical capacities;
- other program services;
- publications of musical productions, video, audio books, newspapers, and magazines related to the programs;
- concert activities and public shows;
- other activities defined in the charter of ART;
- advertisements and publication of other paid messages;
- donations and sponsorships;
- the sale of ART programs;
- the state budget.

Article 116

⁴⁴ Amended by article 15 of Law Nr. 8794.

Any surplus income, After covering the expenses incurred according to the reports submitted by the Administrative Board, ART uses any surplus income to fund the production of programs, their broadcast, the maintenance and functioning of the broadcast network that is the property of ART, technological renovations and employee remuneration.

Article 117

The state budget finances:

- radio services for Albanians outside the borders of the Republic of Albania;
- radio services for the foreign public (in foreign languages);
- television services for Albanians outside the borders of the Republic of Albania;
- important technical projects for the introduction of new technologies in production and broadcasting;
- important motion picture projects or major pan-national artistic activities;
- the symphonic orchestra of ART and cinematography.

The amount of financing is determined in the annual law on the state budget.

Article 118

The ministries and other state institutions finance special projects of national importance in the fields of culture, science, and education, with the approval of the Steering Council of ART.

Article 119⁴⁵

Payment of Taxes on Radio and TV Sets

A fee is payable on individual radio and television sets in conformity with the legislation on the tax system in the Republic of Albania.

The tax on receiving equipment is collected by the Albanian Electricity Corporation and paid into the ART account at the end of each year. The fee is added to the electric bill, separated as a specific line item. The percentage of the service for the tax agent is set in the law on the fee system.⁴⁶

Article 120

At the beginning of each year, the Steering Council of ART conducts a financial analysis of the institution on the basis of the report of the Administrative Board, and this report is made public in the first trimester of the year, in the manner designated by the charter.

CHAPTER IX

CABLE RADIO-TELEVISION PROGRAMS

⁴⁵ Amended by Law Nr. 8794.

⁴⁶ Added by article 16 of Law Nr. 8794.

Article 121

Definition of Cable Radio-Television Programs

Cable radio-television programs are the transmission of sound, image, or both by means of a cable distribution system for simultaneous reception of these programs by two or more subscribers.

Article 122⁴⁷

Contents of Cable Radio-Television Programs

Cable radio-television programs include:

0. The rebroadcast of programs aired by terrestrial and satellite transmitters, always including programs of public operators;
2. The rebroadcast of programs intended for closed television networks such as hotels, small hotels, tourist residencies, tourist villages, ships, ferry boats, hospitals, cinemas, theatres and discotheques;
3. The rebroadcast of audio-visual productions recorded by various means;
4. The broadcasting of various self-produced programs.

Article 123

The License

A license for broadcasting cable radio-television programs is issued by the National Council of Radio-Television for a period of six years. It may be renewed on the application of the license holder, which is to be submitted three months before the expiration of the first license.

The license describes the nature of programs to be broadcast, specifying the rights and obligations resulting from this law. The rights of third parties, in particular copyright, are not affected.

The subjects granted a license for cable radio-television broadcasting are obligated to pay fees in conformity with the specifications of law.

Article 124

The Licensing Procedure

The procedure and other necessary requirements for receiving a license, as well as the rights and obligations of subjects, are the same as those for licenses for radio-television broadcasting on the air, described in chapter IV of this law.

Article 125

Use of Cable Lines

⁴⁷ Point 2 of this article was amended by article 8 of Law N. 8655.

Natural or legal persons who have been licensed for cable radio-television broadcasting use the cable lines of public service operators. When no lines are available for this purpose, the installation and use of cable networks for radio-television broadcasting is conducted with special permission from the competent organs.

Article 126⁴⁸

Rules for Cable Distribution of Radio-Television Programs

In order to achieve quality transmission of sound and image for subscribers through cable telecommunications networks, the National Council of Radio-Television, in cooperation with the Telecommunications Regulatory Agency, determines the rules and methods for the distribution of radio-television programs.

Article 127

Permission for a Cable Network

A permission to operate a cable network for radio-television broadcasting is issued by the Telecommunications Regulatory Entity in two stages:

0. A preliminary permission is issued by TRE within 15 days from the date of application, based on a broadcast license issued by the National Council of Radio-Television, as well as on the plan for the broadcasting cable network. The preliminary permission specifies the deadline for completing the network.

1. The final permission is issued by TRE within 30 days from the date the network is completed and after the implementation of the technical project and equipment installed has been checked.

CHAPTER X

RADIO-TELEVISION REPEATERS

Article 128⁴⁹

Repeaters of Foreign Television Programs

Repeaters are broadcasting equipment composed of satellite receivers or ground receiver antennas, radio or television repeaters or radio or television transmitters intended for a full, unchanged and simultaneous reception and transmission on the air, within the territory of the Republic of Albania, of radio or television programs broadcast by foreign stations through ground or satellite equipment.

Article 129⁵⁰

Conditions for the Installment of Repeater Equipment

⁴⁸ Amended by article 17 of Law Nr. 8794.

⁴⁹ Amended by article 10 of Law Nr. 8655.

⁵⁰ Amended by Law Nr. 8655 and Law Nr. 8794.

The installation and use of repeater equipment is carried out only after the respective license has been issued by the National Council of Radio-Television.

In setting channels and frequencies for repeaters, priority is given to requests for channels and frequencies of licensed public and private subjects.⁵¹

Channels and frequencies of repeaters for foreign radio-television stations are set while respecting the priority of local broadcasters or repeaters of local radio-television operators.⁵²

Article 130⁵³

Licensing Conditions

A license for radio-television broadcasting by repeaters is issued after the following conditions are met:

0. The applicant enjoys all civil rights;
1. The stations broadcast by the repeaters do not encroach on the constitutional order of the Republic of Albania;
2. The repeaters meet the norms for protection against disasters, as well as the technical norms related to electric installations;
3. The technical project of the installation of the repeaters is submitted;
4. The technical characteristics of the repeaters are in conformity with the existing norms of radio-television broadcasting in our country and the technical norms recommended by international bodies specialized in the field of standards.
5. Other conditions determined by the NCRT in its regulations for the rebroadcast of foreign television and radio programs in Albania.⁵⁴
- 6.

Article 131

Revocation of a License

A license granted for radio-television broadcasting with repeaters is revoked when:

0. one or more of the conditions for issuing the license is not met;
1. severe or repeated irregularities are observed in the implementation of the conditions of the license.

Article 132

The Number of Repeaters Allowed

The National Council of Radio-Television determines the number of repeaters for radio-television broadcasts that are allowed to function for each zone in the territory of the Republic of Albania.

Article 133

⁵¹ Amended by article 11 of Law Nr. 8655.

⁵² Added by article 18 of Law Nr. 8794.

⁵³ Amended by Law Nr. 8655.

⁵⁴ Added by article 12 of Law Nr. 8655.

Changes to Licenses in the Public Interest

The National Council of Radio-Television has the right to revoke licenses issued for particular repeaters, or to designate other broadcast frequencies, for the needs of the development of national public and private radio-television.

Article 134

Prohibition against Change of Destination of Repeaters

It is not permitted to change the destination of repeaters so as to use them as broadcasters of radio-television programs.

Article 135

Prohibition of Cable Re-broadcasting of Satellite Programs by Individuals

Cable re-broadcasting for profit of satellite programs by individuals who possess such receiver equipment is not permitted.

CHAPTER XI

SATELLITE BROADCASTING

Article 136

Program services for the public disseminated by satellite are subject to the law in the same way and to the same extent as are services for the dissemination of national programs through the terrestrial network. The European Convention on Television is applicable to these services.

Article 136/1⁵⁵

Radio-television operators licensed by the NCRT for the dissemination of radio-television programs in the terrestrial network have the right also to re-broadcast their programs in the satellite network. Radio-television operators licensed by the NCRT for the dissemination of radio-television programs by satellite have the right also to re-broadcast their programs by the terrestrial way. The NCRT specifies the respective conditions in conformity with the law.

CHAPTER XII

SANCTIONS

Article 137⁵⁶

In case of a violation of the obligatory provisions of this law, the National Council of Radio-Television imposes administrative sanctions as follows:

⁵⁵ Added by article 3 of Law Nr. 9124.

⁵⁶ Amended by Law Nr. 8794.

0. A warning.
1. A fine of up to three percent of the annual income turnover.
2. Temporary suspension of the license.
3. Reduction of the duration of the license.
4. Revocation of the license.

The NCRT determines the concrete violations that are punishable by the sanctions provided in this article, normally starting first with a warning.

The NCRT imposes the sanctions provided by law no later than one year from the date of commission of the violation.

When the NCRT observes violations of the legal provisions for which sanctions are imposed by other state bodies, it notifies the latter.

An operator who has been punished may object to the decision of the NCRT in court within one month from the date of receiving notification of the punishment.

Article 137/1⁵⁷

Inspection of the Activity of a Licensee

An inspection of the activity of a licensee is carried out by specialists of the administration of the NCRT. These specialists are equipped with a special identification document and are called inspectors.

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

The licensee has no right to stop the inspectors from carrying out their inspection. He is obligated to cooperate with them and to give them information when they ask for it.

When the inspector needs special expertise he may bring in experts.

Article 137/2⁵⁸

Blocking of Equipment

The inspectors block equipment and seal it when a license to use it has not been obtained, when it is not approved, or when the conditions of the license are not fulfilled.

The blocked equipment is taken into inventory and is seized after the passage of one month from the date of blocking and later is given for sale to the subjects charged by law. A part of the income from the sale, which is regulated in the relevant contract between the National Council of Radio-Television and the above-mentioned subject, goes to the state budget.

⁵⁷ Added by article 13 of Law Nr. 8655.

⁵⁸ Article added by article 13 of Law Nr. 8655.

Article 137/3⁵⁹

Administrative Infractions

When the inspectors of the NCRT determine that the licensee has violated the provisions of this law, the conditions of the license and the regulations approved by the NCRT, they have the right:

0. to impose a fine, applying article 137/4 of this law, and to request the licensee to take measures for the correction of the violation, setting a deadline for its implementation;
 1. to propose to the NCRT the prohibition of the licensee's activity;
 2. to propose to the NCRT the temporary suspension of the license, the reduction of the period of validity of the license or its revocation.

After examining the proposal of the inspectors in conformity with points "2" and "3" of this article, the NCRT:

-) issues a written warning to the licensee, specifying the violation;
-) temporarily suspends the license granted and reduces the period of validity of the license;
-) revokes the license according to article 34 of this law.

Before taking a decision to prohibit, reduce or revoke the license, the NCRT notifies the licensee of its decision and the reasons for taking it, to give the licensee an opportunity to give his opinion.

If, even after hearing the licensee, the NCRT approves the taking of the decision, it gives a copy to the licensee. The NCRT publishes its decision in the next edition of the Official Journal and in its Bulletin.

The NCRT follows the implementation of the decision.

The NCRT imposes the sanctions provided by law no later than one year from the date of commission of the violation.

Article 137/4⁶⁰

Fines

The following violations committed by the licensees, when they do not constitute a criminal act, are administrative infractions and are punished as follows:

0. By fine of from 20,000 up to 200,000 lek for cases when:
 -) he does not provide sufficient broadcast time for information that is the object of article 39 of this law;
 -) he stops recording and archiving of newscasts before the time period specified in article 42 of this law;

⁵⁹ Article added by article 13 of Law Nr. 8655.

⁶⁰ Article added by article 13 of Law Nr. 8655 and amended by article 4 of Law Nr. 9124..

) he stops recording advertisements before the time period determined in article 54 of this law.

1. By fine of from 60,000 up to 1,000,000 lek for cases when:

) the time limits and territorial boundaries specified in the license conditions are not respected in broadcasting;

) the obligations of articles 50, 51, 52, 53, 55, 56, 57 and 58 of this law for the broadcasting of advertisements are not respected;

) the obligations of the articles of chapter VII of this law on sponsorships are not respected;

ç) the conditions of the license regarding locally produced programs are not respected;

) he does not give notice of changes that have occurred in the data presented in the license application;

dh) the entrance of inspectors into the facilities where the radio-television equipment of the licensee has been set up is not allowed, or the data requested by them are not given;

) interference is caused towards another licensee as a result of not respecting the technical conditions in broadcasting.

2. By fine of from 500,000 up to 1,500,000 lek for cases when:

) he broadcasts on another, unauthorized frequency;

) he broadcasts with radiation powers higher than those authorized;

) he broadcasts from different locations than those indicated in the license;

ç) he broadcasts programs prohibited by law, defined as such in article 38 of this law.

3. By fine of up to 4 million lek for cases when a person installs radio or television equipment, broadcasting on air with image or voice without the authorization, licensing of the NCRT.

5. By fine of from 20,000 to 200,000 lek when a broadcaster does not ensure impartiality in the presentation of facts and events.

6. By fine of from 40,000 to 400,000 lek when the right to rebuttal is not respected.⁶¹

7. By fine of from 200,000 to 1,000,000 lek, when they broadcast programs that they have not themselves produced and for which they do not have an agreement, contract of sale, exchange or donation from the other radio-television subjects, producers or authorized distributors. The fine is set by the NCRT on its initiative or after the complaint of the operators. The repetition of this violation more than five times is punished by a reduction of up to 50 per cent of the time period of the license. In the case of a repetition, the violation is punished by removal of the license. Punishment with the above fines is also applicable for Albanian Radio Television.⁶²

An appeal is taken to the NCRT against a decision imposing a fine by the respective inspector within 10 days from the date it is given. The National Council of Radio-Television takes a decision within 30 days from the date of imposing the fine.

An appeal against a decision imposing a fine is taken within five days from the date of announcement or notification to the district court where the infraction was committed, in conformity with the Code of Civil Procedure, chapter on “The Judgment of Administrative Disputes”.

⁶¹ Paragraphs 5 and 6 were added by article 19 of Law Nr. 8794. That law incorrectly refers to them as being added to Article 137; but it is reasonably clear that the reference in Law Nr. 8794 is intended to be to Article 137/4.

⁶² Point 7 added by article 4 of Law Nr. 9124.

Administrative infractions, appeals, and the execution of decisions are examined according to Law Nr. 7697 dated April 7, 1993 “On Administrative Infractions,” with its later amendments and additions.

A fine is an executive title that is collected by the National Council of Radio-Television and put into the State Budget.

Article 137/5⁶³

Collaboration with Other Organs

For the exercise of the rights that come from this law, the National Council of Radio-Television is to be supported by local public and police authorities.

The Tax Police are charged with executing decisions of the National Council of Radio-Television regarding fines, sanctions and the revocation of licenses.

TRANSITIONAL PROVISIONS

Article 138

After this law enters into force, the People’s Assembly elects the members of the NCRT according to the procedures provided by this law.

One month after this law enters into force, the Government allocates to the NCRT the necessary funds for conducting its activity, the building, and any other infrastructure.

Three months after financing has been given by the Council of Ministers, according to article 11, the NCRT begins its activity based on this law.

Article 139

Private radio-television operators, and those broadcasting by means of repeaters who have been functioning before this law enters into force, are to receive a license within six months from the date the NCRT begins activity.

Article 140

Six months from the day this law enters into force, ART starts to function as a public institution, with the rights and obligations that come from this law.

Article 141⁶⁴

⁶³ Article added by article 13 of Law Nr. 8655.

⁶⁴ Article 7 of Law Nr. 9016 provides that the new Steering Council referred to in article 2 of Law Nr. 9016 is to be established by the Assembly within 30 days of the entry of the law into force (5 April 2003), and that the existing Steering Council continues its activity until the new Steering Council is designated.

The Steering Council of ART is created according to this law within 50 days from its entry into force.

Article 142

The existing Steering Council carries out the duties charged by law until the first meeting of the Steering Council elected according to the procedures provided by this law.

Article 143

Seventy days from its creation, the Steering Council of ART approves its charter, which is submitted for approval to the People's Assembly within fifteen days thereafter.

Article 144

Within 60 days from its creation, the Steering Council of ART defines the directions and standards of programming.

Article 145

Until the appointment of the new director, the function of the general director of ART is performed by the former director in conformity with the provisions of this law.

Article 146

The Administrative Board, after the approval of its internal regulations by the Steering Council of ART, proposes to the latter the structural changes that it deems necessary.

Article 147

All the movable and immovable property used by ART, such as buildings for the administration, radio stations, broadcast points, MCR facilities, and all technical equipment become the property of this institution without compensation, being reflected in the accounting of ART on the day this law enters into force.

Article 148

All the frequencies used by ART at the moment this law enters into force remain available for use by this institution for a 10-year period.

Article 149

With the entry into force of this law, Law Nr. 7524, dated 19 November 1991 "On the Status of ART," Law Nr. 8221 dated 14 May 1997 "On Public and Private Radio and Television in the Republic of Albania," with their respective amendments, are repealed.

Article 150

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

SCHEDULE 1

THE AMOUNT OF PAYMENTS FOR RECEIVING AND RENEWING LICENSES FOR PRIVATE LOCAL AND NATIONAL RADIO AND TELEVISION

- For radio broadcasts 15,000 lek
- For television broadcasts 20,000 lek

THE AMOUNT OF ANNUAL PAYMENTS FOR LICENSES FOR LOCAL AND NATIONAL RADIO AND TELEVISION

0. For communes and municipalities

- With a population of up to 5,000 residents
For radio broadcasts 1,150 lek
For television broadcasts 2,300 lek
- With a population of up to 10,000 residents
For radio broadcasts 1,500 lek
For television broadcasts 2,860 lek
- With a population of up to 30,000 residents
For radio broadcasts 4,300 lek
For television broadcasts 14,300 lek
- With a population of up to 50,000 residents
For radio broadcasts 8,600 lek
For television broadcasts 25,800 lek
- With a population of up to 100,000 residents
For radio broadcasts 14,300 lek
For television broadcasts 45,800 lek
- With a population of up to 200,000 residents
For radio broadcasts 21,500 lek
For television broadcasts 71,500 lek

1. For larger broadcasting areas:

- With a population of up to 300,000 residents
For radio broadcasts 28,600 lek
For television broadcasts 71,500 lek
- With a population of up to 400,000 residents
For radio broadcasts 34,300 lek
For television broadcasts 85,800 lek

- With a population of over 400,000 residents
For radio broadcasts 40,000 lek
For television broadcasts 100,000 lek

2. For the city of Tirana

For radio broadcasts 42,300 lek
For television broadcasts 114,300 lek

3. For national broadcasts

For radio broadcasts 1,500,000 lek
For television broadcasts 5,000,000 lek