



UNMIK/REG/2005/34  
8 July 2005

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**REGULATION NO. 2005/34**

**ON THE PROMULGATION OF  
THE LAW ON THE INDEPENDENT MEDIA COMMISSION AND  
BROADCASTING  
ADOPTED BY THE ASSEMBLY OF KOSOVO**

The Special Representative of the Secretary General,

Pursuant to the authority given to him under United Nations Security Council resolution (UNSCR) 1244 (1999) of 10 June 1999,

Taking into account, in particular, the responsibility of the Provisional Institutions of Self-Government under paragraph 5.4(b) of the Constitutional Framework for regulating broadcast media consistent with international human rights and freedom of expression standards and the best European practices through an independent media commission,

A. Hereby promulgates, subject to Part B below, the Law on the Independent Media Commission and Broadcasting adopted by the Assembly of Kosovo on 21 April 2005 (Law No. 02/L-15), attached to the present Regulation, and

B. Determines that the following changes shall be made to the Law:

1. The phrase "Board on Complaints of Media" shall be revised throughout the Law to read "Media Appeals Board".

2. In the second line of the Preamble the reference "Article 5.4(a)" shall be revised to read "Article 5.4".

3. In Article 1 the definition of "Broadcaster" shall be revised to read:

"Broadcaster" shall mean the natural or legal person who has editorial responsibility for the composition of television or radio programme services for reception by the general public and transmits them or has them transmitted, complete and unchanged, by a third party.

4. Article 2.6 shall be revised to read:

The Commission is the only authority in the territory of Kosovo responsible for managing, regulating, and assigning resources of the Broadcast Frequency Spectrum, issuance of licenses and collection of duties for usage of broadcasting frequencies. The authorities and competencies of the Telecommunications Regulatory Agency (“TRA”) shall not encompass Broadcasting or Broadcasters as defined in Article 1 of the present Law. The office of the Chief Executive (referred to as the “Executive Chief” throughout the Law) shall coordinate the management of the Broadcast Frequency Spectrum with the TRA.

5. The second sentence of Article 4.1 shall be revised to read: “The composition of the members of the Council who are residents of Kosovo shall reflect the principle of multi-ethnicity.” In the final sentence of Article 4.1 after the phrase “the number of Council members remains the same of (7),” the words “with the final two being resident members appointed pursuant to the procedures described in Article 4.4 of this Law” shall be added.

6. In Article 4.4(a) the words “with the Headquarter registered in Kosovo comprising” shall be replaced with “with legal residence in Kosovo, including but not limited to”.

7. In Article 4.4(i) the reference “(b)-(j)” shall be revised to read “(b)-(h)”.

8. In the first sentence of Article 6.3, the word “should” shall be replaced by the word “shall”. The second sentence shall be revised to read:

Council members shall not accept any form of compensation from sources other than the IMC budget for performance of their duties on the Council.

9. Article 8.5 shall be revised to read:

The Office of the Executive Chief shall recommend to the Council a plan for allocating broadcast frequencies, taking into account community needs and market capacity. The Office of the Executive Chief shall recommend to the Council, for its approval, criteria for allocation of broadcast frequencies, in accordance with Chapter III of the present Law.

10. In Article 10.4 the words “are deemed to be released from” shall be revised to read “shall be members of”. The sentence “This shall be without prejudice to the independent exercise of their functions as staff of the IMC.” shall be added after the first sentence.

11. In Article 12.2 the words “individual or” shall be inserted before the word “entity”.

12. In Article 12.3(b), the words “for crime determined by the Law into effect” shall be revised to read “for a crime involving violence or dishonesty, for which he or she has not been lawfully pardoned”.

13. Article 15.1 shall be revised to read:

Except where the Council considers, upon the recommendation of the Executive Chief, that a license should not be renewed due to a breach of material provisions by a private broadcaster with respect to its license conditions, the broadcaster shall be entitled to request that the license be renewed by the Office of the Chief Executive, no later than twelve (12) months prior to the expiration date of the existing license.

14. In the second sentence of Article 16.3 the words “as general revenue” shall be deleted.

15. In Article 20.2(a) the word “acceptable” shall be replaced by the word “admissible” and the word “complaints” shall be replaced by “appeals”.

16. In Article 20.2(b) the word “acceptable” shall be replaced by the word “admissible.” In the third sentence of Article 20.2(b) the word “Complaint” shall be replaced by “An appeal”.

17. Article 20.6 shall be revised to read:

Sanctions set out in Articles 20.1 (d), (e), and (f) shall not apply to the Public Broadcaster, but if according to the opinion of the Council and following the recommendation from the Office of the Chief Executive that the Public Broadcaster breaches its own license conditions, codes of conduct and other legal acts in accordance with the present Law, the Council can make recommendations it deems to be necessary.

18. The following shall be added as Article 20.8:

Upon request of the IMC, law enforcement agencies in Kosovo shall assist in the enforcement of its decisions.

19. In Article 22.1 the word “citizens” shall be revised to read “residents”.

20. Article 22.4 shall be revised to read:

The local members of the Media Appeals Board shall be designated by the Supreme Court of Kosovo and appointed by the Assembly of Kosovo after public solicitation of nominations by the Council.

21. In Article 23.1 the reference “Article 22.3” shall be revised to read “Article 23.3”.

22. Article 23.2 shall be revised to read:

The Assembly of Kosovo may, upon a vote having the support of a majority of the Members of the Assembly, recommend the removal by the Supreme Court of a local member of the Media Appeals Board. A local member of the Media Appeals Board may be removed by the Supreme Court when the grounds for removal set forth in Article 23.3 apply to such a member.

23. In Article 24.1 the words “nomination of Board” shall be revised to read “appointment of all of the Members of the Board.”

24. The title of Article 25 “Lodging of Petition” shall be replaced by “Lodging of Appeal”.

25. In Article 25.1, the following amendments shall be made:

- (a) The words “Petitions for reconsideration” in the first sentence shall be replaced by the word “Appeals”;
- (b) The word “petition” in the second sentence shall be revised to read “appeal”; and
- (c) The reference “Article 23.2(b)” in the second sentence shall be revised to read “Article 24.2(a)”.

26. In Article 25.2 the word “complaints” shall be replaced by “appeals” in both instances where it appears.

27. In Article 26.1 the word “complaints” shall be replaced by “appeals”.

28. Article 27 shall be revised to read:

The IMC and its bodies shall be allocated sufficient funds from the Kosovo Consolidated Budget to allow them to carry out their functions fully and independently. Public authorities shall not use

the budgetary process for allocating funds from the Kosovo Consolidated Budget in a manner that interferes with the independence of the IMC. License fees collected pursuant to Article 16 shall be supplementary to budgetary funding allocated from the Kosovo Consolidated Budget.

29. In Article 28 the words “by donations, and” shall be replaced by “by supplementary donations and.” The following sentence shall be added at the end of Article 28: “Donor resources shall not affect the independence of the IMC or its entitlement to funds under Article 27.”

30. Article 29.2 shall be revised to read:

The functions and competencies assigned to the Media Appeals Board established under UNMIK Regulation No. 2000/36 shall continue to be carried out by that Media Appeals Board until the appointment of all three members of the Media Appeals Board according to Article 22 of this Law and until the Board has adopted rules of procedure, evidence, and admissibility in accordance with Article 24 of this Law.

31. The following shall be added as Article 29.4:

The rules, codes, and procedures established by the Temporary Media Commissioner shall remain in force until amended, replaced, or abrogated by the Independent Media Commission in accordance with this Law.

32. Article 31 shall be revised to read:

The present Law shall enter into force, after adoption by the Assembly of Kosovo, two (2) months after the date of its promulgation by the Special Representative of the Secretary-General.

These changes shall be reflected in the final official text of the Law.

Signed on this 8th day of July 2005.

Søren Jessen-Petersen  
Special Representative of the Secretary-General