

**IMC-2014/02**

Pursuant to the Article 3.2.6 and Article 22 of the Law No. 04/L-44 on the Independent Media Commission, IMC issues this:

**REGULATION ON EVALUATION OF THE APPLICATIONS FOR THE IMC LICENSE**

**ARTICLE 1**

**Purpose**

Regulation for applicants submitting requests for new radio and television frequencies provides a fair, open and accountable evaluation, in order to select the best candidate for the license.

**ARTICLE 2**

**Scope**

Regulation determines the manner of evaluation of applications with the purpose of selection of a candidate for the IMC License, that is the most prepared to operate as audiovisual media service (Radio or TV) and that provides quality program that meets the needs of citizens in the area it serves.

**ARTICLE 3**

**Definitions**

1. **Applicant:** is any subject that submits a request for IMC License or requests approval for the transfer of an existing license or approval for acquisition of an ownership share in an existing licensee;
2. **Authorized Person:** is an individual representing and implementing the instructions of a third party, but not on behalf of a political organization;
3. **License:** is a contractual license granted by the IMC for audiovisual media services. License obliges the licensee to act in accordance with the IMC Law and other relevant laws applicable in the Republic of Kosovo, IMC regulations and guidelines as well as with the General Terms and Conditions of the IMC License;
4. **Audiovisual Media Service** – means a service under the editorial responsibility of the programming service provider (natural or legal person) and the general principle of which is the provision of programs aiming at informing, entertaining or educating the overall public through electronic communication networks. Such a provider of audiovisual media services is a television broadcaster or video on demand;
5. **Television Broadcasting** –means a linear audiovisual media service provided by an audiovisual media provider for simultaneous program watching based on a certain program schedule;
6. **Radio Broadcasting** –means a linear radio (audio) media service, provided for listening of the programs based on a certain program schedule;
7. **Radio Media Services** –means a service under the editorial responsibility of the media radio service provider, the general principle of which is the provision of programs aiming at informing, entertaining or educating the overall public through electronic communication networks. Radio media service is a radio broadcasting or a radio media service on demand, or/and commercial communication in radio media services;
8. **Media Service Provider** –means a natural or legal person with an editorial responsibility for selection of audiovisual or radio (audio) content, and which determines the way of its organization or presenting;
9. **Television Broadcaster** –means a media service provider of television broadcasting;
10. **Radio Broadcaster** –means a media service provider of radio broadcasting;

**ARTICLE 4**

**Evaluation Process**

1. The evaluation by the Commission of the IMC will be based on data submitted by the applicant, initially on completed application form, which are in accordance with criteria defined.
2. Documentation of the competition shall be submitted in a sealed envelope (2 copies). The envelope will be opened before the relevant commission of the IMC.
3. Incomplete application under competition will not be reviewed.
4. IMC, after the evaluation of the application in accordance with the general criteria determined by the IMC Law and with this Regulation, shall issue a license to the applicant, based on the evaluation system. Maximum points for fulfilling of all the criteria are 100 points.
5. IMC shall issue a license to an applicant who provides clear and accurate information, for all criteria of IMC, and that gets the most points during the evaluation of the application.
6. The applicant who fails to meet one of the general criteria set by the IMC during the evaluation of applications will be disqualified by the Commission of the IMC.
7. Commission for evaluation of applications, consisting of the Executive Office staff and Members of the Commission, shall be appointed by a special decision of the IMC.

**ARTICLE 5**

**Criteria for Evaluation of Applications**

1. In accordance with the Article 22 of the IMC Law, during the evaluation of submitted applications for broadcasting license, IMC will consider the following criteria:

**1.1** **Capacity to develop its own program and the need to provide diversified programs for all citizens in that coverage area:**

* 1. Proposed Program Format and Schedule, taking into account the demand for that service;
  2. Program Structure;
  3. The amount of local program produced by the applicant;
  4. Type of programs produced by the applicant;
  5. The nature and character of the produced program;
  6. The amount of information programs for the public service who lives within the coverage area with the signal by the applicant for the IMC license;

g) Evidence of professional skills to establish a broadcaster;

h) Evidence of ability to manage a broadcaster;

i) Organizational structure;

j) Programs that reflect the linguistic diversity in that coverage area.

*The maximum number that can be achieved for the fulfillment of this criterion is 40 points*

**1.2** **Technical Conditions:**

1. Technical Project of broadcasting system;
2. Quality of proposed broadcasting technology;
3. Quality of Technology and proposed working standards in studio;
4. In relation to subparagraphs a), b) and c) of this Article, relevant commission of the IMC will verify the situation in terrain.

*The maximum number that can be achieved for the fulfillment of this criterion is 30 points*

**1.3** **Financial Sustainability:**

a) Evidence of financial resources (bank guarantee, evidence of donations or similar);

b) Submission of a clear business plan for the organization and development of audiovisual media service;

*The maximum number that can be achieved for the fulfillment of this criterion is 30 points*

1.4 Respecting of IMC regulations

1. there has been no previous violations of the IMC regulations = 0 points
2. any request for public apology, warning or order = minus 10 (ten) points
3. any fine = minus 20 (twenty) points
4. any suspension of license or order for closure of a station = minus 30 (thirty) points

1.5 In case when after scoring, two or more applicants have equal points, the candidate who has more points at the program part will win. If applicants have the same points again, then candidates will be interviewed.

**ARTICLE 6**

**Decision of the Commission**

IMC decisions regarding the evaluation of applications will be made public in accordance with the Article 23, paragraph 3 and 4, of the IMC Law.

**ARTICLE 7**

**Entry into force**

This regulation enters into force from the date of its endorsement.

Adnan MEROVCI Date:

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Chairman

Independent Media Commission