

**IMC-2014/01**

**INDEPENDENT MEDIA COMMISSION**

Pursuant to the Article 15.10 of the Law No. 04/L-44 for Independent Media Commission (Law on the IMC), in order to define the rules of organizing, procedures of work and functioning of the IMC, in its meeting held on 23 may 2014 adopts:

**RULES OF PROCEDURE**

**OF THE**

**INDEPENDENT MEDIA COMMISSION**

**Article 1**

**General Provisions**

Rules of Procedure of the Independent Media Commission (hereinafter "IMC") is an interior act that defines the way of fulfilling the functions and functioning of IMC and duties of the Executive Office of the IMC to the IMC and that in: Constitution of the IMC, convening meetings of the IMC, the quorum for work and decision-making of the IMC, holding the Meeting of the IMC, the decision-making procedures, transparency of the work of the IMC, conflict of interests, languages which will be used during the work of the IMC, preparation of meetings of the IMC, regulation of taking notes (minutes of the meeting) of IMC, establishment of working groups of IMC as well as other issues of the interest to the work and progressing of the IMC.

**Article 2**

**The Constitution of the IMC**

IMC is considered constituted if it has appointees from founder (Assembly of Kosovo) at least two-thirds (2/3) of all members of the IMC and has elected Chairperson and Vice-Chairperson of the IMC.

**Article 3**

**Election of Chairperson and Vice-Chairperson of the IMC**

1. Election of the Chairperson and/or Vice-Chairperson is done in the first meeting after their absence (the end of mandate, discharge, or any other reason of inability to exercise the functions of the Chairperson and/or Vice-Chairperson) with a simple majority of votes, from the members of the IMC, if in the meeting are present at least two-thirds (2/3) of the IMC members.
2. Voting for the election of the Chairperson and Vice-Chairperson of the IMC is done by secret ballot. IMC members can, no more than twice, propose and vote for the same candidate for the Chairperson and Vice-Chairperson of the IMC.

**Article 4**

**Convening the IMC Meetings**

Chairperson of the IMC, at least once a month, convenes regular meetings of the IMC. IMC meetings may be arranged or convened by Chairperson or at the request of at least four (4) members of the IMC.

**Article 5**

**Preparation of the IMC Meetings**

1. Executive Office of the IMC, under the leadership of the Chief Executive Officer, is responsible for the technical preparations of the IMC meetings. Chief Executive Officer will appoint a staff member of the Chief Executive Office who will have the main responsibility for the preparation of IMC meetings and shall notify the IMC about the appointment of that person. The Chief Executive Officer is responsible for maintaining the procedure and timetable for the preparation of IMC meeting. Members of the IMC receive the agenda together with the prepared material in advance.
2. The IMC Chief Executive Officer and other staff which he/she appoints will be present at the IMC meetings. The IMC can decide time to time to what extent other personnel will be present at the executive meetings of the IMC.
3. Chief Executive Officer is responsible for preparation of cases for the IMC meeting, including licensing cases, cases of violation of license conditions and any other type of cases under the law of the IMC or any other applicable law. Chief Executive Officer delegates to the directors of respective Departments of the Executive Office duties and responsibilities for the preparation of certain cases (legal, licensing, frequency management, media monitoring and analysis, and administration) with recommendations.
4. IMC will issue guidelines that when hearing sessions with the parties involved in various cases are necessary. Chief Executive Officer will arrange hearing sessions in accordance with these guidelines.

**Article 6**

**Quorum of the IMC Meetings**

1. None of the IMC meetings will start or continue without constituted IMC and without providing the necessary quorum for holding a meeting.
2. The quorum exists if in the meeting are present at least four (4) members of the IMC, including also the Chairperson.
3. Chief Executive Officer attends all meetings of the IMC without the right of voting.
4. Chief Executive Officer, depending on the Agenda and the nature of the treated cases, proposes participation of other officials from the personnel of Executive Office with prior approval of the IMC.

**Article 7**

**Holding of the IMC Meetings**

1. The IMC meeting is chaired by the Chairperson of the IMC, in compliance with the Rules of Procedure of the IMC.
2. In the absence of the Chairperson, the meeting is chaired by the Vice-Chairperson of IMC.
3. Before the start of each meeting, the members present signs at the attendance list by which they prove participation in the IMC meeting.
4. During the IMC meeting, none of the members can speak without taking the floor from the Chair of the Meeting.
5. On the same topic, except the Chairperson, members have in disposition five (5) minutes to articulate their position. The Chairperson may extend this interval as needed in agreement with other members of the IMC.
6. The Chairperson is responsible for the progress of the IMC Meeting. In a case of violation of the Rules of Procedure of the IMC from the members of the IMC, the Chairperson may decide to not continue or postpone the meeting.

**Article 8**

**Absences of the IMC Members**

1. IMC, through the Executive Office, will keep the evidence for the member’s participation in the Meetings of the IMC.
2. In compliance with the Article 14, paragraph 3.6 of the Law on IMC, for the IMC members who are absent from work more than one (1) month without reason, IMC will initiate legal procedure for dismissal.

**Article 9**

**Agenda of the IMC Meetings**

1. Chief Executive Officer in collaboration with the Chairperson of the IMC shall prepare the agenda for the meetings of the IMC, which will be forwarded by the Executive Office for comments to other members of the IMC. Members of the IMC may propose the amendment as well as addition of other issues according to their assessment and emergency cases.
2. Each meeting of the IMC, at the end of Agenda will be the topic "*Other issues*", in which can be discussed and reviewed different issues outside the Agenda.

**Article 10**

**Extraordinary Meetings of IMC**

In the case of the raise of an urgent matter that requires the attention of the IMC, the Chief Executive of the IMC will notify the Chairperson of the IMC. The Chairperson shall decide whether an extraordinary meeting of the IMC shall be convened or whether the matter can be processed by contacting members of the IMC by phone, by e-mail or any other way. If a matter requires an urgent decision of the IMC, such a decision can be made, including voting, also by e-mail.

**Article 11**

**Establishment of sub-commissions by the IMC**

IMC will establish sub-commissions for specific issues and will assign specific responsibilities to the members of sub-commission. Such Sub-Commissions may meet through IMC meetings as needed. Chairperson of the IMC can assist in the meetings of the sub-commissions. Work of the sub-commissions is reported and discussed in the meetings of the IMC.

**Article 12**

**Procedure of Decision-making of the IMC**

1. The IMC takes decisions by a simple majority vote of members present, unless otherwise is stipulated in the Law on IMC. Members who are present but abstain from voting are included in the number of relevant members to determine the number of votes necessary to conduct the voting. Voting will be open and is conducted by raising the hand, unless the IMC decides for secret voting.
2. The voting is done by IMC members by raising the hand. In the case when the IMC decides for secret voting then voting will be done through ballots and the ballot box.
3. If the result of the voting of the IMC is equal, then the vote of the IMC Chairperson is determinant.

**Article 13**

**Signing of the IMC Decisions**

All Decisions in writing that IMC takes shall be signed by the Chairperson of the IMC. Upon authorization by the Chairperson of the IMC, such decisions can also be signed by the Vice-Chairperson of the IMC.

**Article 14**

**Delegation of Responsibilities to the Chief Executive Officer**

1. The IMC will determine the types of cases and conditions under which it will delegate the right to take decisions to the Chief Executive Officer. This will include simple cases of routine nature and ability to resolve cases or close cases if there are no circumstances that these cases should continue.
2. The IMC shall review the delegation of responsibility at least once a year in accordance with the Article 16.6 of the Law on IMC. Chief Executive Officer, or a staff member appointed by the Chief Executive Officer, will present a summary of every case to the IMC at each meeting of the IMC. The IMC will determine the exact nature of such summary.

**Article 15**

**Evaluation of the Performance of Chief Executive Officer of Executive Office**

1. IMC will make evaluation of the performance of the Chief Executive Officer according to the Law on Civil Service.
2. The evaluation will be done in writing by all members of the IMC through forms of performance.
3. Chairperson of the IMC, based on the analysis of evaluations of other members and his/her evaluation, does the final evaluation of the performance of the Chief Executive Officer.
4. Final evaluations of the Chairperson of IMC for Chief Executive Officer performance are the basis for advantages during the selection of the Chief Executive Officer or to initiate disciplinary procedure for weak performance until dismissal.

**Article 16**

**Transparency of the IMC Work**

1. Meetings are open to the public, accept when IMC decides otherwise.
2. For efficiency purpose the IMC meeting can include itself a preliminary closed meeting continuing with an open meeting.
3. The Executive Office of the IMC preliminarily informs media and public about the IMC meetings.
4. Communication with media and public on behalf of IMC does the IMC Chairperson or other member authorized by the Chairperson of the IMC. Each member of IMC must respect the exclusivity of the Chairperson or authorized member by him/her to communicate with the public and media on behalf of the IMC.
5. The Chief Executive Officer may inform the public opinion and the media as well as participate in public presentations related to IMC only with a prior authorization of the IMC Chairperson.
6. Any proposal for Regulations, Codes and Guidelines adopted by the IMC will be shared with the groups of interests and public for discussion.

**Article 17**

**Records of Meetings of the IMC**

1. The Chief Executive Officer will appoint a member of staff responsible for maintaining of the notes (records-minutes), decisions, etc. taken at meetings of the IMC. Within a week after the meeting of the IMC, the minutes prepared by the Chief Executive Office will be forwarded to IMC members by e-mail or other form, under the agreement with the IMC, for their comments.
2. At the following meeting, the minutes from the previous meeting shall be approved and signed by the Chair of the meeting.
3. IMC decides at every meeting about manner of recording-minutes of the meeting.

**Article 18**

**Conflict of Interest**

If an issue for discussion (with the purpose of decision-making) by IMC, especially when dealing with licensing issues, cases of violation of the license conditions or personnel matters, includes a person or enterprise with which IMC member has a personal relation, member of the IMC will make this report known. IMC will decide whether the member shall be exempt from discussion and voting on the matter, in accordance with the Code of Ethics of the IMC.

**Article 19**

**Independence of the IMC**

1. Members of the IMC do not take instructions from any other person or entity, including government entities. Independence of the IMC should be respected at all times and no person or entity is allowed to influence the members of the IMC in realization of their duties.
2. On the contrary, if IMC has grounded information for violation of the Article 19 by the IMC members, then to the person in question IMC will initiate disciplinary procedure (oral warning, written warning, suspension, etc.) up to dismissal.

**Article 20**

**Languages used in the work of the IMC**

1. Languages that are used in the work of the IMC are Albanian Language and Serbian Language.
2. For all meetings of the IMC, as needed, Executive Office provides translation in the working languages, simultaneously or consecutively.

**Article 21**

**IMC Reporting**

According to the Law No. 04/L-44 on the Independent Media Commission (Law on IMC), for its work IMC must report to its founder (Assembly of Kosovo), on regular and extraordinary basis. Regular reporting of the IMC, for its work, is done on periodic basis - (1) once in every three (3) months and until 31 March of the following year presents to the Assembly of the Republic of Kosovo an annual report. Extraordinary reporting is done upon the request of the founder.

**Article 22**

**Amendment of the Rules and Procedure of IMC**

This Regulation can be amended at any time in accordance with the Law and by the decision of the IMC.

**Article 23**

**Entry into Force**

The Rules of Procedures of the IMC shall enter into force on the day of its approval by the IMC and supersedes previous Rules of Procedure of IMC.

**Chairperson of the IMC Date:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 23 may 2014**

**Adnan MEROVCI**