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 **IMC- 2017/01**

Pursuant to the Article 3, paragraph 2, point 6 and 11, of the Law No. 04/L-44 on Independent Media Commission Law No. 05/L-027 on the Digitalization of the Terrestrial Broadcasting Transmissions, the IMC approves this:

**REGULATION FOR MULTIPLEX OPERATOR AT STATE LEVEL**

**ARTICLE 1**

**PURPOSE**

This Regulation determines the rights and obligations, the general terms and conditions as well as the criteria that are required to be implemented by the multiplex operators licensed by the IMC, including the provision of sufficient capacities for media service providers.

**ARTICLE 2**

**SCOPE**

This Regulation will be applied for multiplex operator of Public Broadcaster and for two multiplex operators at state level in accordance with Digitalization Law No. 05/L-027.

**ARTICLE 3**

**DEFINITIONS**

**1. Multiplex operator** - a legal person that offers the technical infrastructure for terrestrial distribution of digital programs and supplementary services for digital transmission of data;

**2**. **Network Operator** - any legal person, which provides any type of program broadcasting network or a broadcasting service to public, and possesses the corresponding license or authorization issued by the IMC;

**3. Multiplex - (hereinafter "MUX")** a standardized set or stream of digital signals expressed in Mb/s (Mega-bit-per-second) containing several television and/or radio programs and/or other data which is at the same time transmitted and broadcasted and whose streams are bundled;

**4. Multiplex with national coverage** - MUX Operator licensed by IMC, which through the Frequency Plan for Digital Terrestrial Television Broadcasting in Republic of Kosovo covers the whole territory of Republic of Kosovo;

**5. Audiovisual media services (AVMS)** - the service which is under the editorial responsibility of programming service providers and the main principle of which is the provision of programs in order to inform, entertain or educate the entire public through electronic communications networks;

**6. Audio media service (AMS)** - a service which is under the editorial responsibility of audiovisual media service providers and the main principle of which is the provision of programs in order to inform, entertain or educate the entire public through electronic communications networks . Audio media service is either a radio broadcast, an audio service provider on demand, or audio media commercial communication services;

**7. Media service provider (MSP)** - natural or legal person who has editorial responsibility for the selection of audio or audiovisual media service program contents and which determines how they will be organized;

**8. Digital Terrestrial Television** - television system through which television programs are broadcasted to users by terrestrial radio devices through the multiplex, in accordance with the digital television standard;

**9. License** - a license issued by the IMC for multiplex operator to exercise broadcasting activity in the Republic of Kosovo;

**10. Licensee** - legal person licensed by IMC to operate as a multiplex operator;

**11. DVB-T2 -** Digital Video Broadcasting-Terrestrial;

**12. H.264 and H.265 / HEVC** – compression standards of audio-video data;

**13. Single Frequency Network (SFN)** - synchronized network of transmitters that spread the same signals on the same transmission channel;

**14. VHF band** -174-230 MHz band;

**15. UHF band** -470-862 MHz band;

**16. Broadcasting frequency plan** - the plan of radio frequency broadcasting or television broadcasting established by the competent authority for telecommunication for the Independent Media Commission and managed by the Independent Media Commission;

**17. ITU** - International Telecommunication Union;

**18. EPG** - Electronic Program Guide;

**19. LCN** - Logical Channel Numbering;

**20. CAM** - Conditional Access Module;

**21. Television with standard quality (SDTV)** - a service with the standard quality of image and sound, in accordance with the relevant recommendations of the International Telecommunication Union (ITU recommendations);

**22. High-quality television (HDTV)** - a service providing image and sound with more quality compared to the standard quality, by increasing the number of analyzing lines per image, changing the method of image analysis, increasing the ratio of image pages to 16:9, as well as changing the colorimetric characteristics of image, in accordance with the relevant recommendations of the International Telecommunication Union (ITU recommendations);

**23. Set-up-box (STB)** - special equipment for receiving, decoding and transforming the digital television signal into a suitable form for reproduction of image, sound and other data.

**ARTICLE 4** **GENERAL PROVISIONS**

1. The Licensee is authorized to use frequencies in accordance with the technical parameters and the coverage area defined in the License.
2. The Licensee is obliged to act according to the rules regarding the use of the broadcasting spectrum, in accordance with the Frequency Plan for Digital Terrestrial Broadcasting in the Republic of Kosovo and ITU standards that define DVB-T2 and H.264 or newer one (H.265/HEVC).
3. Extension of the coverage at state level, by the MUX Operator should be done by the Single Frequency Network(hereinafter SFN).
4. MUX's capacity can also be used for additional services related to broadcasting: subtitles, EPG, digital audio broadcasting and teletext. For these services will not exceed 20% of the overall capacity of the MUX.
5. Division of the multiplex capacity regarding the inclusion of non-domestic channels, in open broadcast or paid one, will be determined by a special act by the IMC.
6. In case that the MUX operator is also MSP at the same time, it will keep separate accounting accounts for activities related to multiplex management and MSP management.

**ARTICLE 5 GENERAL CONDITIONS**

1. The Licensee, at any time, should respect the provisions of international conventions resulting from the International Telecommunication Union (ITU) concerning digital terrestrial broadcasting as well as other relevant acts applicable in the Republic of Kosovo.
2. Before accessing the multiplex capacity share, MSP programs should be coded by MUX in accordance with the coding standard ITU-T H.264 / HEVC (or newer). While, last recipient must be defined with coding standard of ITU-T H.265 / HEVC that support also H.264 standard.
3. Public broadcaster uses its multiplex for its own channels and eventually for other non-commercial channels under conditions approved by the IMC.
4. MUX operator is obliged to provide all audiovisual media service providers equal conditions and non-discriminatory access to the multiplex which is managed by MUX operator, in terms of the right to distribute programs, by utilizing digital radio-diffusive transmission technology.
5. The Licensee is obliged to use digital capacity under conditions determined by the IMC.
6. The Licensee may not change the capacity determined by the IMC for distribution of programs that use technology for high-resolution television (HD) without approval of the IMC. The reserved capacity for technology for television with high resolution (HD) will be made available on equal and non-discriminatory conditions for broadcasting and distribution of programs of all MSPs.
7. The Licensee is obliged to provide services of digital broadcasting in accordance with the technical standards defined in the License Package of IMC.
8. The Licensee is obliged to provide coverage at state level.
9. The Licensee is obliged to implement the Regulation for Logical Channel Numbering.

**ARTICLE 6 RELATION OF MULTIPLEX OPERATOR AND NETWORK OPERATOR**

1. Multiplex operator, under Article 7, paragraph 2 of the Law No. 05/L-027 on the Digitalization of the Terrestrial Broadcasting Transmissions, may be also operator of digital terrestrial broadcasting network.
2. Multiplex operator at state level which is also operator of digital terrestrial broadcasting network will build the network in accordance with the criteria set by the IMC related to realization of coverage and other technical aspects.
3. In cases where the multiplex operator is not also operator of digital terrestrial broadcasting network, multiplex operator will use broadcasting services of a network operator licensed by the IMC.
4. Multiplex operator which is also network operator will maintain separate accounting accounts for the activities associated with multiplex management and network management.

**ARTICLE 7 TECHNICAL CONDITIONS**

1. MUX operator will use the DVB-T2 standard, H.264 or newer (H.265/HEVC) with capacity of at least 37 Mbit/s;
2. MUX operator must ensure that the provision of the signal for the end-users is done by supporting these minimum standards:
	1. compatibility for receiving signal DVB-T2 H.265/HEVC, that supports also the H.264 standard;
	2. reception of frequency band VHF 174-230 MHz and UHF 474-862 MHz;
	3. demodulation COFDM QPSK /16QAM/64QAM/256QAM;
	4. support of LCN (Logical Channel Numbering);
	5. support of CAM (Conditional Access of Module);
	6. support of EPG;
	7. support of teletext, subtitling, language diversity; and
	8. support of SD and HD video standards.

**ARTICLE 8 ELECTRONIC PROGRAM GUIDE (EPG)**

1. MUX Operator should offer to users the possibility to access the EPG services. These services enable users, via TV remote control, to search the information menus according schedules by selecting and being informed of the time, titles, channels or genres of programs**.**
2. MUX Operator must constantly update the electronic program guide with data that would be provided from MSPs, so in that way users would have access to information.

**ARTICLE 9 OBLIGATIONS OF MUX OPERATORS TO MSPs**

1. The Licensee is obliged to provide fair, equal and non-discriminatory conditions for access in MUX for all audiovisual media service providers licensed by the IMC.
2. The Licensee is obliged to include in MUX only MSPs licensed by the IMC for broadcasting in MUX.
3. Determination of the price for inclusion in the MUX will be done based on the calculation of the capacity of space service (Mbit/s).
4. For any change of services to MSPs the Licensee is obliged to obtain prior approval from the IMC.
5. The Licensee is obliged to include in MUX all MSPs licensed by the IMC for analog broadcasting, with the status of “must carry”, under Article 18 of the Digitalization Law and IMC relevant bylaw.

**ARTICLE 10 APPLICABILITY TO FOREIGN OWNERSHIP**

Foreign ownership of a MUX operator is permitted only in the case of commercial companies legally registered in the Republic of Kosovo in accordance with applicable laws.

**ARTICLE 11 DURATION AND RENEWAL OF LICENSE**

In accordance with Article 21, paragraph 1, point 2.1 of the IMC Law, the duration and renewal of the license for the MUX operator will be 10 years.

**ARTICLE 12 TRANSFER OF LICENSE**

1. Request for change of ownership of IMC License will be reviewed in accordance with procedures established by the IMC.
2. IMC License may be transferred to another party only with prior written approval of the IMC.

**ARTICLE 13 ANNUAL LICENSE FEES**

The Licensee is obliged to pay the annual license fee for multiplex determined by special act of the IMC.

**ARTICLE 14 REPORTING**

The Licensee is obliged to submit an annual report to IMC regarding its activities upon IMC request.

**ARTICLE 15 SANCTIONS**

For violation of this Regulation IMC will take legal measures in accordance with Digitalization Law No. 05/L-027 and IMC Law No. 04/L-44.

**ARTICLE 16 ENTRY INTO FORCE**

This Regulation will enter into force on the signing day.

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 **Adnan MEROVCI Date**

 **Chairman of IMC**

 **The Independent Media Commission**