



**Republika e Kosovës**  
**Republika Kosova - Republic of Kosovo**



**KOMISIONI I PAVARUR PËR MEDIA**  
**NEZAVISNA KOMISIJA ZA MEDIJE - INDEPENDENT MEDIA COMMISSION**

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## **THE INDEPENDENT MEDIA COMMISSION**

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**IMC-2012/1**

### **REGULATION**

## **ON THE RULES OF PROCEDURE OF THE INDEPENDENT MEDIA COMMISSION**

## **The 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 procedure, procedures and functioning of the Commission,

Adopts the following:

# **REGULATION ON THE RULES OF PROCEDURE OF THE INDEPENDENT MEDIA COMMISSION**

## **CHAPTER I GENERAL PROVISIONS**

### **Rule 1: General Provisions**

This regulation defines the organization, rules of procedures and the functioning of the Commission.

### **Rule 2: Definitions**

**Independent Media Commission:** an independent body which is responsible for the regulation, management and supervision of broadcasting frequency spectrum. IMC regulates the rights, duties and responsibilities of individuals and entities that provide audio and audiovisual media services.

**Executive Office:** the body of the Independent Media Commission responsible for implementation of all the duties and responsibilities prescribed by IMC within defined legal powers in accordance with the Law on IMC.

### **Rule 3: Start working TMC**

The oldest member of the IMC shall convene the first meeting of the IMC as soon as possible and no later than fifteen (15) days from the date of appointment of the members of the IMC.

### **Rule 4: the constitution of the IMC**

IMC is considered constituted if at its first meeting are present at least two-thirds (2/3) of the members of the IMC.

### **Rule 5: A quorum of the IMC to take decisions**

The quorum for holding the meetings of the IMC and taking decisions by the Commission is the participation of at least four (4) members.

### **Rule 6: Election of Chairperson and Vice Chairperson of the IMC**

At the first meeting the members of the IMC with a simple majority votes, elect the Chairperson and Vice-Chairperson out of the members of the IMC, if at the first meeting are attending at least two-thirds (2/3) of the members of IMC.

Voting for the election of the Chairperson and Vice Chairperson of the IMC is done by secret ballot. Not more than two (2) times, IMC members may propose and vote on the same candidate for the Chairperson and Vice Chairperson of the IMC.

**Rule 7: Calling the Meetings of the IMC**

Chairman of the IMC, at least once a month, convenes regular meetings of the IMC. IMC meetings may be arranged at the request of at least four (4) members of the IMC. The IMC meetings may be arranged more often as deemed necessary.

**Rule 8: the agenda of the Commission's meetings**

The Executive Office in collaboration with the Chairperson of the Commission shall prepare the agenda for the meetings of the Commission which the Executive Office forwards for comments to other members of the Commission. Members of the Commission may propose the removal, alteration and addition of other issues according to their assessment and emergency cases. The Commission during the work must strictly adhere to working Agenda.

**Rule 9: Management with the IMC work**

IMC meetings are chaired by the Chairman of the IMC in accordance with the Rules of Procedure of the IMC. In the absence of the Chairman of the IMC, the Vice-Chairperson of the IMC will chair the meetings.

**Rule 10: Public access to the meetings of the IMC**

Process of the IMC work and voting during the decision-making is open to the public, unless otherwise decided by the members of the Commission.

**Rule 11: IMC Reporting**

IMC under this law is liable for its work to report, to its founder, in a regular and extraordinary pattern. Regular reporting of the IMC for its work is done on a regular basis - (1) once in every three (3) months and at the end of each year. Extraordinary reporting is conducted at the request of the founders.

**Rule 12: Calling Extraordinary Meetings**

In the case of the establishment of an urgent matter that requires the attention of the Commission, the Chief Executive of the IMC will contact the Chairperson of the Commission without any delay. The Chairperson shall decide whether an emergency meeting of the Commission 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 Commission, such a decision can be made, including voting, by e-mail.

**Rule 13: Special Meetings**

The Commission's meetings will be divided into meetings for discussion of policies and related issues and executive session for discussions regarding the licensing issues, violations of license conditions, personnel issues, budget and other operational issues.

**Rule 14: Delegation of Responsibilities to the Chief Executive Officer**

The Commission will determine the types of cases and conditions under which it will delegate its right to take decisions to the Chief Executive Officer. This would include cases of simple routine nature and ability to resolve cases or close the case if there are no circumstances that this case should continue. The Commission shall review the delegation of responsibility at least once a year in accordance with Article 16.6 of the Law on IMC. Chief Executive officer or a designated staff

member will present a summary of such cases to the Commission at each meeting of the Commission. The Commission will determine the exact nature of such summary.

**Rule 15: the establishment of sub-committees of the IMC**

The Commission will establish sub-committees for specific issues and will assign specific responsibilities to the members of the Commission. Such Sub-Committees may meet between sessions of the Commission and in particular will be created for the purpose of fact-finding, including the examination of cases.

**Rule 16: Decision-taking of the Commission**

In accordance with Article 15.4 of the law on IMC, the Committee has a quorum and may take decisions if at least 50% of its members are present. The Commission shall decide by a simple majority vote of those present, unless otherwise stipulated in the Law on IMC. Members who are present but abstaining from voting are included in the number of members relevant to determine the number of votes necessary to conduct the voting. Voting will be open and is conducted by raising the hand unless a member of the Committee requires secret ballot voting sheets. Votes shall be recorded in the minutes of the meeting indicating the number of votes for and against, without indicating who has voted, unless a member of the Committee decides to add a note.

After each meeting, according to the order of items on the agenda, the conclusions and decisions of the meeting are approved by signatures of all members present at the meeting (*the form KPMT-A is completed.*)

**Rule 17: Exclusion of a member of the IMC from the decision making process**

In the event that a matter for discussion (for the purpose of taking any decisions) by the Commission, especially when it has to do with licensing issues, cases of violation of the license or personnel issues, involves a person or enterprise in which the member of the Commission has a personal relation, the member of the Commission shall make this relation know to the Commission. The Commission shall decide whether the member is released from the discussion and voting on that matter, in accordance with the Code of Ethics of the IMC.

**Rule 18: Preparation of the materials for the meetings of the Commission by the Executive Office**

IMC Executive Office, under the leadership of the Chief Executive Officer, is responsible for the preparation of the meetings of the Commission. Chief Executive Officer will appoint a staff member of the IMC that will have the primary responsibility for the preparation of meetings of the Commission and shall notify the Commission about the appointment of that person. The Chief Executive officer is responsible for maintaining the procedure and timetable for the preparation of Commission meeting that allows members of the Commission to receive the material prepared and proposed agenda at least five days before the meeting of the Committee unless there are exceptional reasons.

The IMC Chief Executive Officer and other staff which he/she determines will be present at the meetings of the Commission. The Commission shall decide from time to time to what extent other personnel will be present at the executive session of the Commission.

**Rule 19: Preparation of Cases with Recommendations by the Executive Office**

The Chief Executive Officer is responsible for the preparation of cases for the meeting of the Commission, including licensing cases, cases of violation of license conditions and any other type of cases according to the law on the IMC or any other applicable law. Chief Executive Officer delegates the respective Departmental Directors of the Executive Office duties and responsibilities for the preparation of certain cases (legal, licensing, frequency management, monitoring and media analysis and administration) with recommendations.

The Commission will issue guidelines as to when are necessary the hearing sessions for cases. The Chief Executive Officer will arrange hearings in accordance with these instructions.

**Rule 20: Recording of the meetings of the Commission**

The Chief Executive Officer will appoint a member of staff responsible for maintaining minutes (records) of the decisions taken at the meetings of the Commission. Within a week after the meeting of the Commission, the minutes prepared by the Executive Office will be forwarded to the members by email for their comments. The Commission members who voted against the majority on the issue which is being voted, can add explanations or arguments against that matter in the minutes, if they wish to do so.

At the next meeting, the minutes from the previous meeting will be approved and signed by all members of the Commission that participated in the previous meeting.

**Rule 21: Public participation in the drafting of laws**

Any proposal for regulations, codes and guidelines adopted by the Commission will be shared with stakeholders and the public for discussion.

**Rule 22: Compensation of the Commission**

The level of compensation of the Chairperson and members of the IMC is determined in accordance with the Law on salaries of senior officials.

**Rule 23: Amendment of the Regulation**

This regulation can be amended at any time in accordance with the law and with a majority vote of the members of the IMC.

**Rule 24: Entry into force**

The Rules of Procedures of the IMC shall enter into force when approved by the IMC.

  
Chairperson of the IMC

Shefki Ukaj

Date: 18.09.2012