

**LAW No.05/L-027**

**ON DIGITALIZATION OF TERRESTRIAL BROADCASTING TRANSMISSIONS**

**Assembly of Republic of Kosovo;**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON DIGITALIZATION OF TERRESTRIAL BROADCASTING TRANSMISSIONS**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
Purpose**

The purpose of this Law is to regulate the switchover process from analogue to digital terrestrial broadcasting in the Republic of Kosovo, set conditions for implementing digital terrestrial broadcasting, set rights and obligations of network operators, multiplex operators and media service providers, changes in radio frequency spectrum management within frequency range 61-69 UHV (790-862 MHz), which shall be released for digital dividend, maintain the efficient use of the radio frequency spectrum, which pursuant to international and national legal acts is intended for television and radio programme broadcasting.

**Article 2  
Scope**

This Law regulates the method and conditions for digital terrestrial broadcasting, the procedure of switchover from analogue to digital terrestrial broadcasting.

**Article 3  
Definitions**

1. Terms used in this Law shall have the following meaning:

1.1. **Regulatory Authority of Electronic and Postal Communications** - the regulatory body that implements and supervises the legal framework defined by the Law on electronic communications; (hereinafter Authority);

1.2. **Digitalization** – a switchover process from the analogue programme broadcasting to a digital/numeric one;

1.3. **Television Channels Licensed for Analogue Terrestrial Broadcasting** - all

entities licensed by the IMC for analogue broadcasting in the Republic of Kosovo, whether they are licensed for broadcasting in the whole territory or licensed for regional/local broadcasting;

1.4. **Total multiplex transmission capacity** - the largest quantity of data per time unit through which digital signals can be transmitted;

1.5. **Independent Media Commission** - an independent body for regulation, management, and oversight of the broadcasting frequency spectrum which regulates the rights and responsibilities of legal persons that provide audio and audiovisual media services as defined by the Law on Independent Media Commission, (hereinafter IMC);

1.6. **Ministry** – the ministry responsible for the field of electronic communications (hereinafter Ministry);

1.7. **Multiplex** - 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;

1.8. **Must carry** – must carry transmission;

1.9. **Media service provider** - a natural or legal person who has editorial responsibility for selection of the audio and/or audiovisual content of the audiovisual media service and who determines the manner in which it is organized;

1.10. **Multiplex operator** - the legal person who provides the technical infrastructure for terrestrial distribution aggregation of digital programmes and supplementary services included in the digital streaming of data;

1.11. **Network operator**—any legal person, which provides any type of programme broadcasting network or a broadcasting service to the public, and possesses corresponding licenses or authorization issued by IMC;

1.12. **National Radio-Frequencies Plan** - the document stipulating frequencies bands for different services and sets the basic conditions for the frequency allocation and assignment, aiming at effective use of the radio-frequencies spectrum and avoidance of interferences;

1.13. **Digital Television Receiver** - a device for receiving, decoding and transforming digital television signal into a form suitable for reproduction of image, sound and other data, which may be a separate device, a device installed into television set or other device;

1.14. **Multiplex access** - a service provided by a network operator through any electronic communication network, from the access point to the network;

1.15. **Broadcasting transmission**— transmission of radio or television program services via a terrestrial antenna, electronic communications network or satellite in coded or not coded form, aimed at reception by the public;

- 1.16. **Analogue broadcasting** - transmission and receiving analogue television and/or radio signal through terrestrial transmitters in accordance with the relevant international standards;
- 1.17. **Digital terrestrial broadcasting** - transmission and receiving digital television and/or radio signal through terrestrial transmitters in accordance with the relevant international standards;
- 1.18. **Standard Definition Television (SDTV)** - a service with the standard quality of image and sound, in accordance with the relevant recommendations of the International Telecommunication Union (ITU recommendations);
- 1.19. **High Definition 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).
2. Other terms used in this Law shall have the same meaning as in the Law on Electronic Communications and the Law on Independent Media Commission.

## **CHAPTER II PLANNING, DEVELOPMENT AND USING NETWORKS AND THE RIGHT TO MULTIPLEX ACCESS FOR DIGITAL TERRESTRIAL BROADCASTING**

### **Article 4 Network planning**

1. The network shall be planned by the network operator in compliance with the public tender requirements for allocation of radio frequencies for broadcasting according to the National Plan for Radio-frequencies and according to the Plan for Usage of Radio Frequencies (Channels).
2. The National Plan for Radio-Frequencies stipulates frequency bands for different services and sets the basic conditions for the frequency allocation and assignment, aiming the effective use of radio frequency spectrum and avoidance of interferences.
3. The National Plan for Radio-Frequencies shall be prepared by the Authority in cooperation with the Ministry in accordance with the Law on Electronic Communications.
4. The Plan for Usage of Radio Frequencies (Channels) shall be prepared by IMC in cooperation with the Authority in accordance with the Law on Independent Media Commission and the Law on Electronic Communications.

### **Article 5 Network operator**

Any legal person that has obtained license for broadcasting programs through digital terrestrial broadcasting network and with license to use frequencies, in accordance with the Law on

Independent Media Commission and the Law on Electronic Communications, shall have the status of a network operator.

**Article 6**  
**Multiplex operator**

1. Any legal person that provides public electronic communication services of multiplex management, based on notification in accordance with the provisions of the Law on Electronic Communications, shall have the status of a multiplex operator.

2. For distribution of radio and/or television programs, a multiplex operator shall obtain approval for distribution from the IMC in accordance with the Law on Independent Media Commission.

**Article 7**  
**Relationship between a network operator and a multiplex operator**

1. A network operator may also be a multiplex operator.

2. A multiplex operator may also be a network operator.

3. A network operator that is at the same time a multiplex operator shall keep separate accounting for the activities of multiplex management and network management.

4. If the media service provider is at the same time multiplex operator, IMC shall set rules for keeping separate accounting, to elude the monopoly and ensure fair competition in media market according to the European Directive no.2002/77.

**Article 8**  
**Multiplex capacity division**

1. With the aim of more rational use of multiplex capacities, it is possible to conduct division into capacity intended for provision of audiovisual media services and electronic communication services.

2. Multiplex division referred to in paragraph 1. of this Article shall be conducted by IMC.

3. The quality of electronic services referred to in paragraph 1. of this Article should meet the service quality parameters stipulated in the Law on Electronic Communications.

**Article 9**  
**Multiplex access**

Prior to accessing to allocated multiplex capacity, radio and television programs must be encoded in accordance with the encoding standard ITU-T H.264/AVC (MPEG-4 Version 10) or newer.

### **CHAPTER III MULTIPLEX MANAGEMENT**

#### **Article 10**

##### **Multiplex operator as manager**

1. A multiplex shall be managed by a multiplex operator that has obtained from the IMC a frequency intended for digital broadcasting.
2. The multiplex operator in a particular geographical area shall be obliged to ensure all media service providers equal and non-discriminatory conditions for accessing the multiplex managed by the multiplex operator in respect of the right to disseminate programmes using digital broadcasting technology in the relevant geographical area.
3. If a Media Service Provider is at the same time a Multiplex Operator it shall keep separate accounting for those activities.

### **CHAPTER IV SWITCHOVER PERIOD**

#### **Article 11**

##### **Switchover period**

1. A switchover from analogue to digital television broadcasting shall be completed by a certain date with special Decision by the IMC.
2. Legal persons that possess approval for using frequency on the effective date of the entry into force of this Law shall terminate broadcasting of their television programs based on analogue technology not later than the date fixed by special decision of the IMC, referred to in paragraph 1. of this Article.
3. The method for informing the public and instruction on practice for end users before and after the switchover shall be stipulated by the IMC.
4. All operators using radio frequencies in spectrum 790 – 862 MHz must release the frequency channels in operation and open opportunities for mobile broadband services, not later than the date set up with special decision by IMC, referred to in paragraph 1. of this Article.

#### **Article 12**

##### **Consumer incentives**

1. The Government shall, with the funds available, support the dissemination of digital broadcasting in the form of consumer incentives by co-financing the purchase of digital television receivers by socially disadvantaged consumers.
2. The receivers co-financed by the Government shall be technology-neutral and use open standards of interactivity.

3. In accordance with this Article, recipients of incentives shall be categories of social cases which are determined by the respective ministry for social welfare.

4. The Ministry of Labour and Social Welfare shall issue a public invitation for entitled persons to apply for co-financing of the purchase of a voucher for digital TV receiver and determine the receivers to be co-financed.

### **Article 13**

#### **Special arrangement for the public broadcaster**

For the purpose of digital broadcasting of signals of the public broadcasting services, the public broadcaster is awarded the right for a multiplex with coverage of the entire territory of the Republic of Kosovo, without conducting public call procedure. The public broadcaster shall use this multiplex only for its channels, and eventually for other non-commercial channels under conditions approved by the IMC.

### **Article 14**

#### **Public tender**

1. The decision on the initiation of a public tender on the assignment of radio frequencies for a multiplex shall, in addition to the required elements provided by the Law on Electronic Communications, contain all essential specifications of the multiplex for which a radio frequency is tendered, such as frequency, area of coverage, channel capacity, extent of reserve capacity and other elements in compliance with this Law.

2. The decision on the initiation of a public tender shall be done by IMC.

3. The decision on the initiation of a public tender referred to under paragraph 1. of this Article shall clearly state the conditions for using capacities for media service providers during the switchover period, in order to create conditions for introduction of high definition television (HDTV).

4. In addition to the other required elements that comprise the application for assignment of radio frequencies, IMC shall also enclose in the tender for awarding radio frequencies for a multiplex system a time frame and spatial plan for the setting up of a network.

## **CHAPTER V**

### **RIGHTS AND OBLIGATIONS TO USE RADIO FREQUENCIES**

#### **Article 15**

#### **Duration of validity, amendment, extension, revocation and termination of a decision on the assignment of radio frequencies for multiplex and the transfer of rights to use radio frequencies**

As regards duration of validity, amendment, extension, revocation and termination of a decision on the assignment of radio frequencies for a multiplex system and the transfer of rights to use radio frequencies for multiplexing, the provisions on validity, amendment, extension, transfer, revocation and termination of a decision on the assignment of radio frequencies stipulated by the Law on Electronic Communications shall apply, unless otherwise specified by this Law.

### **Article 16**

#### **Special provisions on the transfer of the right to use radio frequencies for a multiplex**

If the operator of a multiplex system intends to terminate operations, the operator can submit an application to IMC for transferring the right to use radio frequencies for the multiplex system. If the operator fails to do so at least three (3) months prior to the planned termination of operations, an application for transferring the right to use radio frequencies for the multiplex system may be submitted by any service provider in this multiplex system.

### **Article 17**

#### **Payment for the use of radio frequencies for a multiplex**

1. Licensees on the assignment of radio frequencies for a multiplex shall be obliged to pay an annual fee to the IMC for the use of the assigned radio frequencies as stipulated by the applicable legislation.
2. The minimum amount of such fees shall be fixed by a regulation adopted by the IMC. In determining the level of fees and the method of payment thereof, account shall be taken of the supply and demand for frequencies released for use, the development of the market to which such frequencies apply but the amount of such payment must ensure competition and equality in the market.
3. The revenue referred to in the paragraph 2. of this Article shall be deposited in the Budget of the Republic of Kosovo.

## **CHAPTER VI**

### **RESTRICTIONS ON THE OPERATION OF A MULTIPLEX**

### **Article 18**

#### **Obligatory inclusion of certain television and radio programming in a multiplex**

1. The multiplex operator in national level should ensure “must carry” inclusion in the multiplex of two programs of the public service broadcaster for unlimited time, and two channels with national coverage licensed by IMC for terrestrial broadcasting until the expiry of the deadline of the license.
2. The multiplex operators in regional level should ensure “must carry” inclusion in the multiplex of all regional and local channels licensed by IMC for terrestrial broadcasting, in accordance with strategic policies of the IMC. IMC shall set procedures and conditions of awarding by concession of respective local and regional multiplexes.
3. Criteria for the inclusion under the “must carry rules” shall be determined by a sub-legal act issued by IMC, not later than six (6) months from the entrance into force of this Law.
4. The criteria referring to paragraph 3. of this Article shall be made in accordance with Market analysis and the Republic of Kosovo’s public needs.
5. IMC determines the numeric order of the licensed television channels, included under “must carry rules”, with special sub-legal act.

### **Article 19**

#### **Restrictions relating to the right to disseminate programming using digital broadcasting technology**

1. In accordance with the law on IMC, IMC shall not license media service providers, to distribute with terrestrial digital multiplexes, in the event that operational or tendered multiplexes have no reserve capacities for such purpose.
2. In the event that the media service provider does not distribute the content within three months upon licensing to provide audio-visual services in a given area, subject to all technical and legal requirements being met, IMC shall ex officio initiate the procedure to revoke the media service provider license.

### **Article 20**

#### **Restrictions for the purposes of high-definition television**

1. In a public tender for assignment of radio frequencies for a multiplex, the IMC may determine that all or part of the capacity of the multiplex shall be reserved for the dissemination of programmes using high-definition television technology.
2. In a public tender for assignment of radio frequencies for a multiplex, the IMC may decide that a part of the capacity of the multiplex for enabling occasional transmission using high-definition television technology shall be reserved for different providers in this multiplex. This part of the capacity of the multiplex shall be used for dissemination of the current capacities of individual television channels of this multiplex that usually broadcast programming at lower resolution for the purpose of transmitting programmes using high-definition television technology. Part of the capacities so reserved shall be available under equal and non-discriminatory conditions for the transmission and dissemination of any programming of all providers in this multiplex.
3. If the IMC acts according to paragraphs 1. and 2. of this Article, it shall be obliged to determine in the decision on initiation of a public tender that part of the capacity which shall be reserved by the operator of the multiplex. Part of the capacity of the multiplex so reserved must enable a media service provider with its own part of the capacity of the multiplex to transmit and disseminate programmes using high-definition television technology.
4. A multiplex operator can divide the use of the capacity referred to in the paragraphs 1. and 2. of this Article according to daily transmission time and offer individual terms under different conditions. Such a use can also be designated by auction.

## **CHAPTER VII PENALTY PROVISIONS**

### **Article 21 Violations and fines**

1. Any legal person, sole proprietor and self-employed individual shall be fined for an offence with a penalty ranging from fifty thousand (EUR 50.000) to five hundred thousand (EUR 500.000) if that person:



- 1.1. sets up a network contrary to this Law;
  - 1.2. fails to comply with obligations that arise from IMC and the Authority decisions;
  - 1.3. does not enable equal and non-discriminatory conditions for access to a multiplex system;
  - 1.4. uses radio frequencies for a multiplex without a valid decision on the allocation of radio frequencies;
  - 1.5. fails to act in accordance with a decision on the allocation of radio frequencies for a multiplex.
2. A fine ranging from five thousand (EUR 5.000) to ten thousand (EUR 10.000) shall be imposed on the responsible person of a legal person, a responsible person of a sole proprietor and a responsible person of a self-employed person for committing a violation referred to in paragraph 1. of this Article.
3. A fine ranging from one thousand (EUR 1.000) to five thousand (EUR 5.000) shall be imposed on an individual for committing a violation referred to in the paragraph 1. of this Article.
4. Fines under this Article shall be paid to the Kosovo budget.

## **CHAPTER VIII FINAL PROVISIONS**

### **Article 22 Supervision over implementation**

Supervision over implementation of this Law shall be carried out by the IMC regarding the content and the Authority regarding the quality of services.

### **Article 23 Application of the Law on Electronic Communications and the Law on Independent Media Commission**

The Law on Electronic communications shall apply to issues in the area of electronic communications which are not separately regulated by this Law, whereas the Law on Independent Media Commission shall apply to issues in the area of media and audio visual media services which are not separately regulated by this Law.

### **Article 24 Adoption of the Plan for Usage of Radio Frequencies (Channels)**

The IMC shall pass the Plan for Usage of Radio Frequencies (channels) for broadcasting transmissions within ninety (90) days from the entry into force of this Law in accordance to Article 4 of this Law, Law on Independent Media Commission and the Law on Electronic Communications.

**Article 25**  
**Sub-legal Acts**

Sublegal acts for the implementation of this Law shall be issued by the IMC, in accordance with the strategic policies for the switchover from analogue to digital broadcasting in the Republic of Kosovo, within six (6) months from the entry into force of this Law.

**Article 26**  
**Implementation of the Law**

This Law shall be applied after the period of switch over from analogue to digital broadcasting in the Republic of Kosovo, according to special Decision of the IMC, referred to in paragraph 1. of Article 11 of this Law.

**Article 27**  
**Entry into force**

This Law shall enter into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

**Law No.05/L-027**  
**30 July 2015**

**Promulgated by Decree No.DL-025-2015, dated 17.08.2015, President of the Republic of Kosovo Atifete Jahjaga.**

**LAW No.05/L-027**

**ON DIGITALIZATION OF TERRESTRIAL BROADCASTING TRANSMISSIONS**

**ANNEX**

**RULES FOR THE CONTENT AND PROCEDURE FOR THE PUBLIC TENDER FOR CHANNELS 46 AND 58**

**Article 1**

**Public Tender**

The IMC shall announce a public tender for granting two multiplexes (channels 46 and 58) in accordance with this Law.

**Article 2**

**Publication of Decision**

1. The IMC shall publish the Decision to announce a public tender in the Official Gazette.
2. The Decision shall also be published on the web-site of the IMC, and in the national and foreign press as well as by other appropriate means.

**Article 3**

**Content of a Decision to announce a public tender**

1. A Decision to Announce a Public Tender shall in particular contain the following:
  - 1.1. the object of the Public Tender which shall be an available multiplex;
  - 1.2. the general and programme conditions;
  - 1.3. proof needed of the right to submit a Bid in the Public Tender procedure;
  - 1.4. the manner of payment and the amount of fee for the concession for the multiplex, as well as the manner of payment and the amount of fees for the tender documentation and for a Bid to the Public Tender;
  - 1.5. information on the administrative fee for the use of frequencies;
  - 1.6. a deadline for the submitting a request for the tender documentation to the IMC, which may not be longer than thirty (30) days from the date of publishing of the Decision to Announce the Public Tender;

- 1.7. a deadline for the submitting the Bid to the IMC, which may not be longer than sixty (60) days from the date of publishing of the Decision to Announce the Public Tender (hereinafter: the Tender Deadline);
  - 1.8. information that a Bid which does not fulfill all the conditions prescribed by the Decision to Announce the Public Tender and/or which is not made according to the tender documentation shall not be accepted;
  - 1.9. information that the Bid must be submitted to the IMC in six (6) copies, one of which is the original with the signature of the person responsible, in a sealed envelope marked with the full name and address of the Bidder and with the following text: "Do not open – A Bid to the Public Tender for granting a concession for multiplex";
  - 1.10. information that the submitted bids and related fees shall not be returned;
  - 1.11. information that, within ten (10) days from the date of the expiry of the Tender Deadline, the IMC shall inform all the parties involved in the Public Tender procedure of the time and place of the IMC session at which all the bids submitted within the Tender Deadline shall be publicly opened;
  - 1.12. a final deadline for the IMC to reach its Decision on the concession which is the object of the Public Tender, that may not be longer than thirty (30) days from the date of the public opening of the bids.
2. The tender documentation shall be composed in the Albanian, Serbian and English language.
  3. The tender documentation must be composed in accordance with the relevant Decision to Announce a Public Tender.

#### **Article 4**

##### **Tender Documentation**

1. The tender documentation should in particular contain the following:
  - 1.1. a general information about the bidder;
  - 1.2. precise information on the deadline and place for submitting the Bid as per Article 3 of this Annex;
  - 1.3. precise information on the deadline and manner of delivery of the IMC's Decision as per Article 3 of this Annex;
  - 1.4. information on the technical parameters determined by the Authority.
  - 1.5. terms and right to participate in public tenders;; The main criteria; Technical standards (e.g. MPEG 4 - DVBT2) technical capacities; Categorization - national, regional and local and coverage for each category separately.

## **Article 5**

### **Supervisory Commission**

1. In order to promote transparency and to ensure the close coordination between the competent authorities, the entire process will be overseen by Supervisory Commission (hereinafter: SC), with the following composition:

1.1. three (3) representatives from the IMC;

1.2. two (2) representatives from the Authority;

1.3. one (1) representative from the Ministry.

2. SC is chaired by the representative from the IMC.

3. SC will supervise the public tender procedure including establishment of the Evaluation Commission (hereinafter: EC) and review of recommendations of EC.

4. SC shall make a decision by a majority of votes when at least four (4) members are present. Each of the members, including the chairperson, has the right of one vote and the votes of a majority of the voting members shall be required to dispose of any item of business. In the event of a voting deadlock, the Chairperson's vote shall be considered as a double vote and with it shall be decided on the matter.

## **Article 6**

### **Evaluation Commission**

1. EC appointed by the SC decision, will recommend the SC for approval the best bid at the public tender for multiplex.

2. SC shall issue a decision on the granting concession for the operator of the multiplex.

## **Article 7**

### **The Bid**

1. The IMC shall deliver the tender documentation to every person who has submitted the request for the delivery of the tender documentation within the Tender Deadline and who has enclosed the evidence of payment of the prescribed fee as per Article 3 of this Annex.

2. A Bid to a Public Tender may submit any legal person and who has received the tender documentation in accordance with this Annex.

3. The Bid referred to paragraph 2. of this Article shall be composed in either of the Albanian, Serbian or English, language.

**Article 8**  
**Publication of details of the bidders**

The name, seat and other information of a bidder on a Public Tender shall be classified until the moment of the public opening of the relevant bids.

**Article 9**  
**Deadlines**

To all such written requests for additional explanation of the tender documentation as the participants in the Public Tender procedure submit to the IMC ten (10) days before the expiry of the tender deadline at the latest, the IMC shall answer within seven (7) days from the date of the written request. The IMC shall be obliged to deliver its response to all participants in the Public Tender procedure at the same time, without disclosing any information on the submitter of the original request for additional explanation.

**Article 10**  
**Changes and supplements of the bid documentations**

1. In the case where the IMC should change or supplement the conditions of the Public Tender or the Decision to announce the Public Tender before the expiry of the Tender Deadline, such change or supplement shall be published in the same mode in which the original Decision to Announce the Public Tender shall have been published.
2. The change or supplement as per paragraph 1. of this Article shall be delivered to all the participants in the Public Tender procedure who shall have received the tender documentation.
3. In the case where the changed or supplemented conditions of the Public Tender should have considerable influence on the composing of the bids, or that they should be published when more than a half of the Tender Deadline shall have expired, the Tender Deadline shall be extended.

**Article 11**  
**Terms to Amend and Supplement the Tender Documentation**

1. According to its own estimation or based on a written request for additional explanation as per Article 10 of this Annex, the IMC may change or supplement the tender documentation in the form of an annex before the expiry of the Tender Deadline.
2. Such annex with changes or supplements of the tender documentation shall be delivered free of charge, by the IMC, to all participants in the Public Tender procedure who shall have received the tender documentation ten (10) days before the expiry of the Tender Deadline at the latest.
3. The IMC may extend the Tender Deadline for the purpose of changing or supplementing the tender documentation. The notification of the extension of the Tender Deadline shall be delivered to all the participants in the Public Tender procedure by the IMC, and it shall be published in the same mode in which the original Decision to Announce the Public Tender shall have been published.
4. The tender documentation shall not be changed or supplemented after the expiry of the Tender Deadline.

**Article 12**  
**Content of the Bid of the Public Tender**

1. A Bid to a Public Tender shall contain:

1.1. the evidence on the fulfillment of conditions stipulated by the Public Tender;

1.2. a programme basis which must contain a programme scheme determining:

1.2.1. in the case of a general television or radio programme channel:

1.2.1.1. the type of audiovisual or radio programmes, i.e. their classification into specific programme groups,

1.2.1.2. the foreseen quantitative proportion between specific groups of contents,

1.2.1.3. the foreseen maximal volume of advertising contents,

1.2.1.4. the foreseen volume of own production and the share of Kosovo audio and audiovisual works,

1.2.1.5. the share of European audiovisual works and of European audiovisual works by independent producers,

1.2.1.6. the time of broadcast;

1.2.2. in the case of a specialized television or radio programme channel:

1.2.2.1. the type of audiovisual or radio programmes whereby more than 70% thereof must be of the same type,

1.2.2.2. the foreseen quantitative proportion between specific groups of contents,

1.2.2.3. the foreseen maximal volume of advertising contents,

1.2.2.4. the foreseen volume of own production and the share of Kosovo audio and audiovisual works,

1.2.2.5. the share of European audiovisual works and of European audiovisual works by independent producers,

1.2.2.6. the time of broadcast.

1.3. data on the ownership structure of a legal person submitting the Bid.

1.4. personal data on the company and its seat, i.e. name and family name and permanent residence of persons who directly or indirectly, through other legal persons, have stocks or shares in that legal person, as well as data on the percentage of those stocks or shares.

1.5. data on the Bidder's financial standing.

### **Article 13**

#### **Public Opening Procedures**

1. The IMC shall conduct a procedure of the public opening of bids submitted within the relevant Tender Deadline on a session open to the public.
2. Bids delivered after the expiry of the Tender deadline shall not be considered.

### **Article 14**

#### **Record**

The IMC shall keep minutes on a procedure of the public opening of bids which shall be an integral part of the minutes of the relevant IMC's session.

### **Article 15**

#### **Evaluation of a Bid**

1. After the procedure of a Public Tender has been conducted, the EC shall pass the relevant Decision on the choice of the most optimal bid and on granting the concession that was the object of the Public Tender to the SC for approval.
2. The procedure of determining the most optimal bid shall be conducted by the EC through examination, comparison and evaluation of all opened bids.
3. In the case of the renouncement of a granted concession, the IMC shall annul the relevant Public Tender.

### **Article 16**

#### **Decision on Granting a Concession for the Multiplex Operator**

1. A Decision on granting a concession for the multiplex operator shall contain:
  - 1.1. the name of the concession granting authority (IMC) with the number and the date on which the Decision shall have been adopted;
  - 1.2. the name of the bidder;
  - 1.3. the object of the concession;
  - 1.4. a description of activities which are to be performed;



- 1.5. the level and area of the concession;
- 1.6. the expiry date of the concession period;
- 1.7. the amount of the concession fee;
- 1.8. a deadline for the most optimal bidder to sign the relevant contract on concession;
- 1.9. the consequences for non-compliance with the deadline for conclusion of the contract on concession;
- 1.10. an explanation of the reasons for selecting the particular bidder;
- 1.11. instruction on legal remedy;
- 1.12. the signature of the responsible person and the seal of the concession granting authority.

#### **Article 17**

##### **Cases for the Annulment of the Tender**

1. The IMC shall adopt a decision to annul a Public Tender or a part of a Public Tender in the following cases:

- 1.1. if there shall be not even one submitted bid which would be acceptable according to the conditions of the Public Tender;
- 1.2. if it should be established, before the expiry of the Tender Deadline, that the tender documentation must be considerably changed.

#### **Article 18**

##### **Publication of the Decision**

A decision on granting a concession shall be published in the Official Gazette.

#### **Article 19**

##### **Receipt**

A decision on granting a concession shall be delivered with a return receipt to all bidders.

#### **Article 20**

##### **Appeal**

Against the decision of the SC, the unsatisfied party shall file a claim to the Competent Court.