

Albania 2014 Report

European Commission

On Freedom of Expression

In the area of freedom of expression, implementation of the Law on Audiovisual Media has been slow, mainly due to a lack of political agreement on filling the vacancies in the media regulator, the Audiovisual Media Authority. As a result, the authority has not been able to fully perform its statutory tasks, such as licensing, audience measurement, and implementation of the digitization strategy. The lack of transparency of media financing and the interference in the media by political and economic interests remain major challenges. This includes the non-transparent allocation of funds for advertising by state-owned companies and the government.

Chapter 10: Information society and media

In the area of **electronic communications and information and communications technologies**, some steps have been taken towards legislative alignment with the *acquis* through the adoption of competitive safeguards that reduce mobile termination rates along a ‘glide path’ from April onwards. The award-procedure for the granting of the fourth UMTS/3G license was re-launched following a legal action initiated by one of the current mobile operators. The frequency use plan, approved by the Agency for Electronic and Postal Communications (AKEP) in February, has only been partially implemented due to the pending completion of the digital switchover process. The administrative capacity and resources of AKEP have improved, but remain limited. Concerns remain about its operational independence. The new law on territorial planning, comprising certain provisions on the granting of rights-of-way under the public easement framework, was adopted in July. Albania should ensure that any measure requiring the storage of traffic data, such as International Mobile Equipment Identity numbers, is in accordance with the principles of EU law. The emergency number 112 is still not operational. Mobile usage remains high with subscription penetration at 130 % in 2013 and 3G and mobile broadband usage is growing strongly, while fixed broadband penetration remains low at 5.7 %.

In the field of **information society services**, the number of services for citizens and businesses increased and now includes e-services for certificates, enrolment in higher education, job searches and administrative requests company registration and income tax. The implementation of the national plan on broadband for the period of 2013-20 is advancing slowly. This is planned to be an integral part of the new cross-sectoral strategy for information society 2014-20, which remains to be adopted.

As regards **audiovisual policy**, implementing legislation for the Audiovisual Media Law was adopted, including a broadcasting code, criteria on broadcasting authorizations and inspection procedures. Significant work is needed on Albania’s international commitments on implementing the digital switchover strategy, due to be completed by June 2015. As a concession to the wish of operators to go beyond the internationally coordinated and agreed ‘Geneva 2006’

frequency distribution plan, a task force was set up. As a result of its work, all existing operators and their territorial reach were mapped, occupied frequencies were identified and antenna strength was measured. The need to coordinate with neighboring countries on harmonizing frequencies was also identified. Initial steps were taken to elect new members to the steering committee for the public service broadcaster (RTSH). However, the process was halted due to a lack of political agreement on the selection procedure. The public service broadcaster's editorial independence and fee collection system need to be improved. RTSH digitalization has not progressed. The unauthorized use of frequencies by several broadcasters remains a problem. The licensing of existing multiplexes could not progress, due to an ongoing court case launched by broadcasting operators against the Audiovisual Media Authority. The vacancies on the authority's steering board remain unfilled and its ability to perform the assigned functions undermined. The delay in appointing steering committees for the Audiovisual Media Authority and the RTSH is hindering public broadcaster's reform and the timely implementation of the digital switchover strategy.

Conclusion

There has been some progress in the field of information society and media, particularly by increasing competition in the electronic communications market. Legal uncertainty on the rights-of-way regime persists and should be eliminated. Over the next year, Albania urgently needs to address identified priorities, particularly as regards strengthening the independence of the media regulatory authority and the public service broadcaster, and allowing for their proper functioning by filling vacant positions. The digital switchover strategy and the Audiovisual Media Law need to be swiftly and effectively implemented. Overall, preparations in this area need to be accelerated.

Chapter 23: Judiciary and fundamental rights

In the area of **freedom of expression**, the implementation of the Law on Audiovisual Media has been slow, mainly due to the lack of political agreement on filling the vacancies in the media regulatory authority, the Audiovisual Media Authority. There have been no reported cases of defamation lawsuits by politicians against journalists and media outlets. Further action is needed to ensure the proper implementation of amendments on defamation and guidelines on setting damages at a reasonable level, in particular through training for the judiciary. The subscription fee collection system and editorial independence of the public service broadcaster need to be improved. The broadcaster's steering committee has not yet been elected and the preparations for drafting its statute have been slow.

Two cases of violence against journalists have been reported since October 2013, which remains a concern. The lack of transparency of media financing remains a major challenge. The media continued to be used as a tool to promote political and private economic interests. Further action is needed to ensure the proper enforcement of labor rights, especially media staff's right to be covered by a formal employment contract. Protection from arbitrary dismissal needs to be provided for journalists to prevent self-censorship. The journalists' trade union has intensified its efforts to protect their labor rights, but its capacity remains weak. Professional and ethical standards in journalism need to be strengthened. New rules on public complaints against the media have been set by the Law on Audiovisual Media, but further action is needed to ensure

their implementation and to establish bodies and initiatives that address reader/viewer complaints effectively.