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Proposed amendment aims to remove ownership limitations for audiovisual media

Taulant Balla, MP of the Socialist Party, has submitted a proposal for amending the Law on Audiovisual Media to the Parliament on April 24. The proposed amendment contains only the following article: “Article 62 of law no. 97/2013 ‘On the audiovisual media in the Republic of Albania’ is repealed.”

The article that Balla proposes to repeal from the current law is the article regulating ownership for audiovisual media. The ownership limitations change based on whether the license is national or local. According to the article, national licenses are issued only to joint stock companies, whose exclusive scope of activity is the audiovisual activity. No natural or legal, local or foreign person can possess more than 40 percent of the general capital of a joint stock company that holds a national license. In addition, a natural or legal person who has shares in a company that holds a national license cannot own more than 20% of the shares in a second company that holds a national license, be it audio or audiovisual one. Regarding analogue broadcasting, participation shall be allowed with up to 10 % of shares in a third national company. In addition, this natural or legal person cannot have a local or regional license.

Regarding local licenses, a natural or legal person who has 100 percent of the shares in a company that has a local or regional license, may be issued only one second local or regional audio broadcasting license. A natural or legal person who has 100 percent of the shares in a company, which owns a local or regional audio broadcasting license, may be issued only one second local or regional audiovisual broadcasting license, owning no more than 40 per cent of the general capital in this company. Finally, another limit the law poses is that broadcasters with a national license cannot broadcast more than 30 percent of commercials in the audiovisual broadcasting market. According to the law, AMA is in charge of monitoring the volume of advertisement.

The amendment proposed by Balla claims that this article has created barriers that should be eliminated, as they pose “a real obstacle to the development of broadcasting.” According to the report accompanying the proposed amendment, the barriers of ownership are unnecessary and it also claims that “under the current situation, fair and effective competition is seriously violated, the quality of audio and audiovisual services might decrease, and one of the fundamental principles on which the AMA should exert its activity, namely that of guaranteeing equal access and non-discriminatory audio and audiovisual media market, may be violated.” The amendment also claims that this article is unnecessary, as it overlaps with competencies that the Authority on Competition should have, instead of AMA. The report also claims that the amendment “provides favorable conditions for the fulfillment of the obligations and objectives laid down in the National Strategy for the transition from analog to digital broadcasts (2012,)” alleging that such an action will help in more efficient use of spectrum. Balla has also requested that this bill be considered under an accelerated procedure.

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