

11 December 2003



## **TMC Broadcast Licensing Policy:**

### **Limited Exceptions to Moratorium**

On 26 March 2003, the Temporary Media Commission imposed a moratorium on granting further licenses for radio and television broadcasters. This decision was based on two premises:

1. The TMC had just completed its third round of licensing since 2001. The total number of licenses in effect was large in comparison to the relatively small population of Kosovo and minorities were well represented among broadcasters in proportion to their populations. Licensing additional stations risked further fragmenting the media market, with too many stations competing for too little advertising. Licensing additional stations would increase the risk of financial failure among existing stations.
2. It appeared in March 2003 that a law to transform the TMC into a permanent, Kosovar agency, the Independent Media Commission, would soon be enacted. It was therefore reasonable to postpone further licensing until the IMC was established.

Experience gained during the past six months indicates that, although a draft law on the IMC has been delayed, the moratorium remains largely justified. Kosovo's advertising market continues to be weak, the financial viability of many stations is questionable and relatively few stations have sufficient resources to support quality programming. Financial pressures will increase on broadcasters as the IMC comes into existence and establishes license fees, and the adoption of a Kosovo copyright law next year requires broadcasters to pay to copyright fees for the use of music, as elsewhere. Licensing a significant number of new stations would only exacerbate these problems.

Experience, however, has also demonstrated that exceptions to a moratorium on new licenses are both justifiable and necessary in limited, exceptional circumstances.

Certain areas of Kosovo remain seriously under-served—or not served at all—by local media that are committed to covering local news and issues. Moreover, a disproportionately small number of broadcasters in Kosovo are committed to multi-ethnic programming and thus serve as a significant source of constructive, inter-communal dialogue. Constructive communications among Kosovo's constituent peoples is essential if Kosovo expects to preserve peace and stability and to integrate itself with Europe.

*Therefore, having consulted on this matter with Kosovan organizations and international agencies, the TMC adopts the following policy effective immediately on issuance of new broadcasting licenses:*

- (1) A moratorium on new broadcasting licenses shall remain generally in effect until such time as it is superseded by a law on the IMC;
- (2) The TMC will consider applications for new licenses, and will grant a limited number of licenses for low-power (maximum 50 watt) radio or television stations, under the following exceptional circumstances:
  - (a) Where municipalities or other substantial areas are not currently served by local print or broadcast media that provide, or could be expected to provide, coverage of local news and issues and public discussion of local events and issues;
  - (b) Where applicants present a clear and practical plan for organizing and maintaining a radio or television station committed to multiethnic programming and public service, including constructive inter-communal dialogue.
  - (c) Providing that a frequency is available in the area proposed for low-power service.
- (3) In addition to meeting the TMC's general qualifications for a license, applicants must present a well organized and credible plan for obtaining equipment and training necessary to produce quality programming, as well as a well documented and credible financial plan for sustaining a station committed to primarily to public service.
- (4) In keeping with established policy, the TMC will not issue broadcast licenses to municipal or other government authorities. However, the TMC encourages NGOs or other private applicants applying under this policy to cooperate with municipal authorities to provide non-political programming that addresses important community issues. Municipalities and other government authorities may legitimately support such programming, on condition that (a) they do so openly and accountably; and (b) that licensees maintain overall editorial control of programs and conform with the TMC Code of Broadcast Practice and other terms of license.

Robert Gillette  
Temporary Media Commissioner