

REGULATION NO. 2000/36

UNMIK/REG/2000/36

17 June 2000

ON THE LICENSING AND REGULATION OF THE BROADCAST MEDIA IN KOSOVO

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo,

For the purpose of licensing and regulating the broadcast media in Kosovo pending the establishment of a regulatory regime for broadcasting,

Hereby promulgates the following:

Section 1**TEMPORARY MEDIA COMMISSIONER**

1.1 The Temporary Media Commissioner is responsible for the development and promotion of an independent and professional media in Kosovo and the implementation of a temporary regulatory regime for all media in Kosovo, pending the establishment of an Interim Media Commission, and shall be independent in the performance of these responsibilities.

1.2 The Temporary Media Commissioner is appointed by the Special Representative of the Secretary-General.

Section 2**REQUIREMENTS ON RADIO AND TELEVISION OPERATORS**

2.1 Radio and television operators shall not broadcast in Kosovo without a broadcast license issued by the Temporary Media Commissioner.

2.2 Applications by radio and television operators for a broadcast license shall be made to the Temporary Media Commissioner in accordance with the procedures set out in the Application and Registration Form issued by the Temporary Media Commissioner. Applicants for a broadcast license shall agree to abide by the Broadcast Code of Conduct issued by the Temporary Media Commissioner and attached to the Application and Registration Form.

2.3 The Temporary Media Commissioner shall, in accordance with the criteria set out in a document attached to the Application and Registration Form, and taking into account the public interest, evaluate the applications for broadcast licenses. If a broadcast license is denied, the Temporary Media Commissioner shall include an explanation of the grounds upon which such license was denied.

Section 3 SANCTIONS

3.1 The Temporary Media Commissioner may impose one or more of the following sanctions on broadcast licensees who fail to adhere to the Broadcast Code of Conduct:

- (a) The requirement to broadcast a correction or apology;
- (b) A warning;
- (c) A fine of not less than DM 1,000 and not exceeding DM 100,000;
- (d) Suspension of the broadcast license;
- (e) Denial of entry into premises;
- (f) Seizure of equipment;
- (g) Closedown of broadcast operations; or
- (h) Termination of the broadcast license.

3.2 The sanctions referred to in subsections (e), (f) and (g) may be imposed by the Temporary Media Commissioner on a radio or television operator who is broadcasting without a broadcast license as well as licensees who fail to adhere to the terms of the Broadcast Code of Conduct.

3.3 The imposition of any sanctions pursuant to the present regulation shall be without prejudice to any applicable criminal sanctions and civil causes of action.

3.4 The Temporary Media Commissioner shall give written notice of a violation and provide a reasonable opportunity for reply prior to the imposition of any sanction.

3.5 The Temporary Media Commissioner may request the assistance of the relevant law enforcement authorities in Kosovo and appropriate public officials in the enforcement of an imposed sanction.

Section 4 MEDIA APPEALS BOARD

4.1 The Media Appeals Board (hereinafter called "the Board") is hereby established.

4.2 The Board is an independent body which shall hear and decide on appeals by a person or an entity against any of the following decisions by the Temporary Media Commissioner:

- (a) Refusal to issue a broadcast license;
- (b) The condition(s) attached to a broadcast license; or
- (c) Sanctions imposed by the Temporary Media Commissioner.

4.3 Appeals against any of the above decisions shall be made to the Board within 30 days of the issuance of such decision. The Appeal shall be made in writing and may be accompanied by such documentation or other evidence as the appellant wishes to present.

4.4 The Board shall be composed of two international members and one local member who shall be nominated by the Deputy Special Representative of the Secretary-General for Institution Building and all of whom shall be competent and appropriately qualified. The Special Representative of the Secretary-General shall appoint the members of the Board and shall designate one international member as the President of the Board.

4.5 The Board may uphold, modify, or rescind any condition or sanction imposed by the Temporary Media Commissioner or any refusal by the Temporary Media Commissioner to issue a license. The Board shall state the reasons for its decision. A decision of the Temporary Media Commissioner shall remain in effect until the Board has issued a final decision modifying or rescinding the decision by the Temporary Media Commissioner.

4.6 The Board shall determine its own rules of procedure, which rules shall guarantee fair and impartial proceedings in accordance with internationally recognized human rights standards. In particular, such rules shall include provisions on reconsideration of decisions of the Board. The said rules of procedure shall be adopted at the first meeting of the Board.

4.7 Final decisions of the Board are binding and enforceable.

Section 5

SPECIAL PROVISIONS

5.1 Radio and television operators shall refrain from broadcasting personal details of any person, including name, address or place of work, if the broadcast of such details would pose a serious threat to the life, safety or security of any such person through vigilante violence or otherwise.

5.2 Nothing in the present regulation shall in any way limit or restrict the authority of the Special Representative of the Secretary-General to take such action as he may deem necessary for security reasons, to protect life, or to maintain civil law and order.

Section 6
IMPLEMENTATION

The Special Representative of the Secretary-General may issue administrative directions in connection with the implementation of the present regulation.

Section 7
APPLICABLE LAW

The present regulation shall supersede any provision in the applicable law which is inconsistent with it.

Section 8
ENTRY INTO FORCE

The present regulation shall enter into force on 17 June 2000.

Bernard Kouchner
Special Representative of the Secretary-General