[AL] New Legislation on Audiovisual Media in Albania

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Ilda Londo
Albanian Media Institute

On 4 March 2013, the Albanian Parliament approved Law 97/2013 “On Audiovisual Media in the Republic of Albania” after several years of discussion and stagnation. This law aims to harmonise Albanian media legislation with the Audiovisual Media Services Directive (2010/13/EU - AVMSD) of the European Union and in order to respond to the realities of the audiovisual media sector. Both political wings reached consensus on the law, with the exception of the election procedure regarding the members of regulatory authorities.

Among others, the law replaces the regulatory authority *Këshilli Kombëtar i Radios dhe Televizionit* (KKRT - National Council of Radio and Television) with the *Autoriteti i Mediave Audiovizive* (AMA - Authority of Audiovisual Media). The authority will continue to be comprised of seven members, elected from the Parliament for a five-year term with the right to be re-elected for a second mandate. The election procedure did not change in comparison with the previous law. Members of Parliament from the opposition and ruling majority respectively take turns in shortlisting expert candidates proposed by relevant associations and civil society. The seventh member, who is also the chairperson of AMA, is also elected by way of shortlisting among four candidates, by a simple majority in the Parliament. The same formula applies to *Këshilli Drejtues i Radio Televizionit Shqiptar* (KDRTSH - Governing Council of the Albanian public service broadcaster) which is composed of 11 members.

The law adds new competences to the regulator’s functions. Those are the issuing of digital broadcasting licenses and authorisations, the preparation of instructions and regulations on usage of the public broadcaster’s infrastructure, the mediation of disagreements between operators, and the preparation of studies and research in the audiovisual media sector. Almost five months after approval of the law, the members of the AMA and KDRTSH still have not all been elected due to other priorities in the Parliament and the general Parliament elections that took place in June 2013.

In terms of harmonisation of the new law on audiovisual media with the AVMSD, the law regulates for specific matters such as the promotion of European works and independent works. The law stipulates that national operators have to devote most of their broadcasting time to European works, and at least ten percent of their time to independent works. Furthermore, ten percent of the budget has to

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be invested in independent Albanian and European works (see Arts. 13, 16, 17 AVMSD).

The law is also very detailed regarding the specifications of advertising, including the new forms of advertising enabled by technological changes, such as interactive, split-screen, hidden, or virtual advertising. The law also regulates political advertising, institutional advertising, direct sales, commercial communications, product placement and sponsorship of audiovisual media services (see Art. 19 ff. and Arts. 10 and 11 AVMSD).

The new law furthermore requires the AMA to draft audiovisual media services codes serving the audiovisual media service providers as ethical guidelines for the broadcast content. This function was meant to harmonise the diversity of programming with the need to protect special groups such as minors. The law also introduces specific technical regulations for such cases (see Art. 27 AVMSD).

In further accordance with the AVMSD, the law envisages the compilation and implementation of a list of events of major importance and the ways in which they should be covered by freely accessible media (cf. Art. 14 AVMSD).

Ligji nr. 97/2013, datë 04.03.2013 "Për mediat audiovizive në Republikën e Shqipërisë

http://ama.gov.al/index.php?option=com_content&view=category&layout=blog&id=8&Itemid=49&lang=sq

Act no.97/2013 of 4 March 2013 "On audiovisual media in the Republic of Albania"

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