

[AL] Regulator approves decision on must-carry rules for cable televisions

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The regulator of audiovisual media, the *Autoriteti i Mediave Audiovizive* (Audiovisual Media Authority- AMA), approved the decision “On the must-carry obligation of national programmes by networks of electronic communications authorized for rebroadcasting of audio and audiovisual programmes in these networks” in a meeting convened on 26 March 2014. The regulator reported that this decision was in line with Law no. 97/2013 “On Audiovisual Media in Republic of Albania” (see IRIS 2013-8/9). More specifically, the regulator cited Article 87 of the law, “Retransmission obligations” which states: “The AMA has the right to impose reasonable obligations on the media service providers for broadcasting one or more audio and audiovisual programmes of general interest to the public to ensure their reception in the territory of the Republic of Albania at a national, regional or local level. The retransmission obligations pursuant to point 1 of this article shall be imposed in conformity with the principles of proportionality and transparency only on electronic communication operators, whose networks are utilised by a considerable number of users as the main way of receiving audiovisual programmes and only if this is in the interest of the public.”

Based on this article, AMA’s decision is particularly relevant for the rebroadcasting of national TV stations in cable networks. AMA claimed that the current two commercial TV stations cover an area significantly lower than their license terms, respectively 54% and 51% of the territory. AMA further claimed that given this situation, the decision to approve the “must-carry” rule of the programmes of national TV stations by cable networks in the country was necessary and in line with the law. The decision also states that rebroadcasting of national television stations’ programmes by cable networks should be free of charge.

This decision was opposed by the television stations, which claimed that this was similar to legalising theft and piracy. Quoting the annual report and interviews of the chair of AMA, which admitted that AMA lacked the capacity to monitor piracy of programmes, especially of cable television stations, they considered AMA’s decision as harmful to their own activity.

The main national television stations, the respective multiplexes they own, and the regulator are also locked in a legal dispute dating back to summer of 2013, when the multiplexes filed a lawsuit that has temporarily suspended AMA’s plans to start the licensing of existing digital multiplexes. The trial is ongoing.

“Njoftim për shtyp”

http://ama.gov.al/index.php?option=com_content&view=article&id=339%3Anjoftim&catid=14%3Adeklarata-per-shtyp&Itemid=65&lang=sq

Report on the meeting of AMA and its decisions

“Deklaratë për shtyp”

http://ama.gov.al/index.php?option=com_content&view=article&id=341%3Adeklarate&catid=14%3Adeklarata-per-shtyp&Itemid=65&lang=sq

Clarification on the reasons, why AMA made this decision

