

## [AL] Parliament approves guarantee agreement on loan for financing public broadcaster building of digital networks

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On 2 July 2015, the Parliament approved in its plenary session Law no. 65/2015 “On tax exemptions and immunity for a guarantee agreement on a loan for financing digital networks DVB-T2 of the public radio-television broadcaster RTSH.” (Ligji nr. 65/2015 “Për miratimin e përjashtimeve nga taksat dhe të parashikimeve për heqjen dorë nga imuniteti i kushtëzuar, sipas marrëveshjes së garancisë, në lidhje me marrëveshjen e huas, për financimin e zbatimit të projektit për ndërtimin e rrjeteve numerike (digjitale) DVB-T2 të transmetuesit public (RTSH). The law was approved by the governing majority of the Parliament with 77 votes in favour of the law, while the opposition abstained, both in the parliamentary commission discussions and in the plenary session.

The Albanian public broadcaster *Radio Televizioni Shqiptar* (RTSH) signed a contract with the German company Rohde & Schwarz to build two national digital networks on 19 March 2015. The signing of the contract followed a long legal dispute concerning the tender on the construction of the two digital networks for the public broadcaster. The Ministry of Innovation and Public Administration has been in charge of overseeing the process of negotiation and the digital switchover in the country in general. The contract assigns the company Rhode & Schwarz the task of building two national digital networks that will belong to and be managed by the public broadcaster. The public broadcaster also has the obligation to host local program operators in one of the two networks, according to the Strategy for Digital Switchover.

The public broadcaster must take a loan from Deutsche Bank to pay the company Rhode & Schwarz for building the two digital multiplexes. The loan needs to be guaranteed by the state to Deutsche Bank. The now approved law contains only two articles and aims to guarantee the exemption from taxes of the state loan that is needed for the financing of the public broadcaster’s two digital multiplexes. The explanatory report on the Law states that RTSH is responsible for paying back the loan, while the state is the loan guarantor. According to the Albanian law on state loans and state debt, this agreement on loan guarantee benefits from tax exemption and immunity.

The opposition refused to vote for this draft law. The head of the Parliamentary Commission on Media said that while they see the draft law as part of the

important digital switchover process that Albania has to carry out, the draft law and the whole process did not include crucial information about the contract between the public broadcaster RTSH, the company Rohde & Schwarz, and the government. More specifically, he mentioned that they were not aware of important details on the contract for building the two multiplexes, which were not necessarily technical details. There was no information on the way the signal coverage would take place in specific areas, or how the signal would cover the most densely populated areas, as well as the most sparsely populated and remote areas, where the signal also has to reach. He argued that this information is not only technical, but it is directly related to freedom of the media and freedom of information.

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*The news on the Parliament's approval of the law*

***Ligji nr. 65/2015 “Për miratimin e përjashtimeve nga taksat dhe të parashikimeve për heqjen dorë nga imuniteti i kushtëzuar, sipas marrëveshjes së garancisë, në lidhje me marrëveshjen e huas, për financimin e zbatimit të projektit për ndërtimin e rrjeteve numerike (digjitale) DVB-T2 të transmetuesit public (RTSH)”***

[http://www.parlament.al/web/pub/ligj\\_nr\\_65\\_dt\\_2\\_7\\_2015\\_23524\\_1.pdf](http://www.parlament.al/web/pub/ligj_nr_65_dt_2_7_2015_23524_1.pdf)

*The Law no. 65/2015 “On tax and immunity exemptions for a guarantee agreement on a loan for financing digital networks DVB-T2 of the public radio-television broadcaster RTSH*

