[AL] Audiovisual Media Authority fails to grant national digital licenses

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On 1 February 2016, the Board of the Autoriteti i Mediave Audiovizive (The Audiovisual Media Authority - AMA) held a meeting with the aim of taking a decision on the licensing process of national commercial multiplexes.

In April 2015 the regulator approved the decision to issue the call for granting national licenses for commercial digital operators, based on the “beauty contest” procedure, inviting five existing so-called “historical” operators to participate in the call for licenses. The operators invited were the national commercial channel TV Klan, and Top Channel TV and the three existing commercial digital platforms, Digitalb, Supersport, and Tring. The latter decided not to participate in the contest, leaving only four applicants.

In the meantime, the decision-making process in AMA Board has been deadlocked for many months, since two Board members have refused to participate or vote during the meetings. They finally participated in the meeting of 1 February 2016, but the Board failed to reach the quorum of five to grant licenses, as the two above-mentioned members voted against the issuing of licenses. According to AMA’s statement their decision was based on the argument that the beauty contest procedure was supposed to grant licenses for a transition period, meaning within the deadline for digital switchover of 17 June 2015. Since the deadline has passed, they argued that the applicants should not receive the licenses. They based their argument on paragraph 8 of Article 139 of the Law 97/2013 on Audiovisual Media, which states that: “Licensing, according to this article, shall be done by AMA for a transitory period until the termination of the deadline for full switchover to the digital broadcasting, defined by article 136, paragraph 1.” Article 136 sets the deadline for full switchover as 17 June 2015.

Two days before the official deadline, AMA issued a press release explaining that the deadline could not be met due to the various delays in the process. AMA declared that: “in spite of measures taken from our institution, it is impossible to fully implement the Strategy of Switching to Digital Broadcasting and the final deadline of switching off analogue broadcasting, 17 June 2015, cannot be respected. The postponement of the deadline, the delays in digital switchover process, apart from bearing financial costs, also influence the Albanian state’s ability to respect international commitments.”

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