[AL] Constitutional Court rules to remove ownership limitations for national audiovisual media

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On 13 May 2016, the Constitutional Court of Albania ruled in favour of a request by the Association of Albanian Electronic Media seeking to abrogate paragraph 3 of Article 62 of the Law 97/2013 Për Mediat Audiovizive në Republikën e Sqipërisë (On Audiovisual Media in the Republic of Albania). The paragraph states that: "No natural or legal, local or foreign person shall have more than 40 per cent of the general capital of a joint stock company that holds a national audio broadcasting license or a national license for audiovisual broadcasting."

The Association of Electronic Media argued in the hearing session of 19 April 2016 that the limitation imposed on media ownership for national media is anti-constitutional, breaching equal treatment before the law as well as the right to the property. The association's claim also found the support of the regulatory authority, the Audiovisual Media Authority (AMA), which claimed that this regulation does not fit with the current context and stage of development of the media landscape. The representatives of the parliament argued, in contrast, that the aim of imposing such limitation is to safeguard freedom of expression, which must prevail, in accordance with the European Court of Human Rights procedures.

In a press release published on its website, the Court explained that after reviewing the arguments made before it by the association, the regulator, and the parliament, it would accept the request of the association. Consequently, it abolished paragraph 3 of Article 62 of the Law on Audiovisual Media. As the legal basis for examining and agreeing to the request of the association, the Court's notification cites Articles 131/a and 134/f of the Constitution, which state respectively:

- The Constitutional Court decides on: a) the compatibility of a law with the Constitution or with international agreements, as provided in Article 122;

- The Constitutional Court initiates a proceeding only on the request of: political parties and other organizations.

The request was brought before the Constitutional Court after failed attempts last year to remove media ownership limitations through an amendment introduced in the parliament. The decision of the Constitutional Court paves the way for the existing terrestrial multiplexes and the two national TV stations to receive

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national licenses, which was not possible for all of them in view of their current ownership arrangement.

Ligji no. 97/2013, Për Mediat Audiovizive në Republikën e Sqipërisë

http://ama.gov.al/preview/wp-content/uploads/2015/03/LIGJI-Nr-97-2013-PER-MEDIAT-AUDIOVIZIVE-NE-REPUBLIKEN-E-SHQIPERISE.pdf

Act no.97/2013, On Audiovisual Media in the Republic of Albania

NJOFTIM PËR MEDIAN

http://www.gjk.gov.al/web/NJOFTIM_P_R_MEDIAN_1191_1-1.php

Press release of the Constitutional Court

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