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Qeveria-Vlada-Government

Zyra e Kryeministrit-Ured Premijera-Office of the Prime Minister

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**Report on Permit and License Simplification and Harmonization in the
Independent Media Commission¹**

¹ This legal analysis has been approved in the 254th Meeting of the Government of the Republic of Kosovo, with the decision No. 04/254 dated 26.03.2025.

Abbreviations:

GIZ – Gesellschaft für Internationale Zusammenarbeit

LGAP – Law No. 05/L-031 on General Administrative Procedure

LIMC – Law No. 04/L-44 on the Independent Media Commission

LPLS – Law No. 04/L-202 on Permit and License System

SPC – Single Points of Contact

CRPL – Central Registry of Permits and Licenses

OPM – Office of the Prime Minister

LO – Legal Office

IMC – Independent Media Commission

1. Introduction

This report, supported by GIZ, aims to reflect the findings and general and specific recommendations for simplifying the procedures for application, review and issuance of permits and licenses in IMC, as well as to harmonize IMC's permits and licenses with the requirements and criteria of LPLS. The permit and license simplification has been assessed in the course of several principles and requirements specified in LPLS and LGAP, while harmonization has been assessed in the context of the compatibility of specific laws, especially LIM with LPLS.

In the context of this report, a methodology has been followed where the following have been drawn out: **1. General recommendations and 2. Specific recommendations**, for the permits and licenses applied by IMC. Special recommendations are set out in the annex to this report and are provided for each permit or license, specifically according to the findings.

Additionally, besides the recommendations in the report, the main findings as well as specific findings have been described, which follow the purpose of the report, to simplify permits and licenses and harmonize them with LPLS.

The permit and license simplification and harmonization in IMC, according to this report, particularly takes into account:

1. Facilitation of the application procedure for permits and licenses;
2. Reduction of administrative burden on the applicant during application;
3. Facilitation of the application review process and verification of evidence/testimony;
4. Addressing the licensee's safety issue, in terms of extending the term, based on the specific criteria of licenses or permits, depending on the level of risk;
5. Ensuring the legality of licenses and the specific legal basis, ensuring they are in accordance with the law, as designated by IMC, based on the Central Registry of Permits and Licenses;
6. Addressing the harmonization and compatibility of LPLS requirements with the regulations stipulated in IMC and bylaws.

To compile this report, several sources have been reviewed, as follows: LPLS; LGAP; IMC; special Laws applied by RAEPC; RAEPC bylaws regulating the procedure for issuing permits and licenses issued to IMC; CRPL. Additionally, particular importance has been given to meetings with relevant institutions that have provided additional clarification.

For the purposes of this report, the terminology of the designation "permits and licenses" under the LPLS has been used, which includes the application of other types of permits issued by IMC and are not named as permits and licenses.

2. Legal analysis regarding the permit and license simplification

In this section, the analysis of the main legislation regulating permissions (permits and licenses) in IMC is presented. The Law on Permit and License System (LPLS) is a horizontal law which, in Article 1, regulates the principles and rules for improving the business environment by reducing administrative barriers in

carrying out economic, commercial or professional activities necessary to protect public health, public safety, the environment, and the use of natural resources in the Republic of Kosovo. Another horizontal law generally governing the exercise of public authority, which most frequently applies to permissions, is the Law on General Administrative Procedure (LGAP), the purpose of which is to ensure the effective exercise of public authority with a view to the public interest, guaranteeing at the same time under Article 1 the protection of the rights and legal interests of persons.

Below, we will analyze some of the key principles and rules provided in these laws and regulations as well as the specific criteria outlined in Law No. 04/L-44 on the Independent Media Commission (IMC) and other laws regarding permits and licenses in IMC.

Furthermore, achieving the goal of simplifying permits and licenses issued by IMC requires an analysis of specific laws, particularly LIMC and subsidiary legislation and bylaws issued by RAEPK, regarding permits and licenses granted for certain activities. The system of permits and licenses, procedures, ways of granting them, criteria, etc., are regulated by the Law for the Independent Media Commission and bylaws such as the Regulation IMC/2021-01 on Audio and AudioVisual Media Service Providers; the Regulation IMC-2017/06 on Annual License Fees as well as other IMC bylaws applicable to the application process.

In terms of designation, LPLS in Article 1 (1.3) uses the term “***The licensee - the natural person to whom a professional license has been issued***”, on the other hand, Law No. 04/L-44 on the Independent Media Commission (LIMC) refers to Article 3 which stipulates “The Independent Media Commission, in addition to its powers established under the Constitution, shall also exercise the following powers”: and paragraph 2.1. “it shall issue licenses to the public and private broadcasters and shall renew the licenses, granting the licensed subjects the right to use the frequencies in Broadcasting Frequency Spectrum as well as it shall license all audiovisual media services”; as well as paragraph 2.4. “it shall approve the licensing conditions and it shall establish links with applications for licensing and re-licensing and it shall grant the right to use the frequencies according to Broadcasting Frequency Plan”; and paragraph 2.5. “it shall collect taxes for the use of broadcasting frequencies from subjects licensed or audiovisual media services and the network operators”.

The criteria for permits and licenses in this institution are primarily focused and based on this Law and on Article 5, in paragraph 1 thereof: “Duty and responsibility of the IMC shall be to foster and maintain a fair and open system for licensing and regulating the audiovisual media services and for managing Broadcasting Frequency Spectrum in accordance with the best international standards”.

While LPLS in Article 5 has defined the types of permits, such as: *notification, registration, professional permit and license*, on the other hand, RRA recognizes and applies two types of permits and licenses named: *license, and permit*.

Within the system of permits and licenses issued by IMC, based on Law the Independent Media Commission, the issue of simplifying permits and licenses in this sector as mentioned will be examined based on several principles recognized by LPLS and LGAP. These principles aim to result in specific recommendations for simplifying IMC permits and licenses as well as harmonizing them with the requirements and criteria of LPLS.

License duration period. This principle is determined in Article 6 of LGAP and as such should also be applied by IMC. Depending on the type of permits and licenses, Law No. 04/L-44 on the Independent Media Commission has defined the duration of 7 years for audio media service providers and up to 10 years

for audiovisual media service providers. Also, for the extension of the license or permit by IMC depending on the type, it is based on qualification criteria, granting criteria, and other criteria. The deadline for the extension of the license is important to be related principle of efficiency, according to Article 10 of LGAP. Furthermore, the extension may be related level of risk, security, public health protection, type of activity, and other important aspects that may vary depending on the specific permit or license.

The principle of non-discrimination. This principle is determined in Article 6 of LGAP and as such should also be applied by IMC, concerning the issuance of licenses and other permits it grants. Especially, this principle should be strictly determined when it comes to the extension of the license, which IMC evaluates and decides upon, based on the discretion criteria, relying on the minimum and maximum duration criteria of the extension period.

The right to appeal. This constitutes a constitutional obligation. The license review system in IMC as well as the procedures thereof, provide for the right of appeal in case of refusal, under Chapter VI Appeals Board, namely from Article 36 to Article 44. Any decision or action of IMC, the Ministry, or any other Public Authority made based on the authorization of this Law is subject to administrative and judicial review as well as appeal, in accordance with the conditions and procedures provided in the Law on Administrative Procedure. According Law No. 04/L-44 on the Independent Media Commission, the submission of the Appeal, respectively Article 43 (1): “Appeals shall be filed with the Appeals Board within fifteen (15) days from the receipt of a decision of the IMC. An appeal shall be made in writing and shall be accompanied by such documentation or other evidence as may be required by the Appeals Board in accordance with paragraph 2 of Article 42 of this Law”. The right to reject a license or permit is also defined in LPLS, specifically in Article 27.

Payment of fees. LPLS determines a proportional tax, as far as necessary to cover the expenses incurred by the competent authority for administering the permit. On the other hand, LGAP determines the non-payment of the procedure, and according to this, this fee can only be made in cases where it is otherwise determined by law. In the case of IMC, according to Law No. 04/L-44 on the Independent Media Commission, Article 3 under paragraph 2.5: “the IMC... 2.5. it shall collect taxes for the use of broadcasting frequencies from subjects licensed or audiovisual media services and the network operators”. Also, Article 26 of the same law provides for the annual license fees, i.e. “1. The IMC shall establish a license fee schedule for various classes of broadcasting licenses that shall be payable annually by the licensees. In establishing the level of annual payment for license, the IMC shall consider prevailing and projected market conditions; 2. The license fee shall be the same within each class of licenses. ; 3. The IMC shall review and may amend the schedule of license fees every two (2) years; 4. Annual license fees shall be collected by the Executive Office. The money collected shall be deposited in their entirety to an IMC account designated by the competent governmental authority for fiscal matters; 5. The Executive Office shall be responsible for maintaining the records of all license fee payments. This process shall be subject to normal auditing procedures as established by the competent governmental authority for fiscal matters”. This implies that IMC is obligated to calculate these fees, especially those of the application, in proportion to administrative expenses. IMC calculates the annual fees as license maintenance fees, aiming to ensure IMC’s financial stability, as licensed enterprises generate revenue from activities licensed by IMC. License review fees are paid at the time of application review.

The principle of one shop stop (Single Points of Contact) is a legal obligation defined both in LPLS, respectively Article 16, as well as in LGAP, Article 33. According to this principle, all formalities and procedures for issuing a permit and license must be carried out through SPCs (one stop shop). Both laws provide for SPCs to be established physically, electronically or combined. The main prerequisite for establishing SPCs are the points we mentioned above, especially the approach oriented towards the principle of administrative review ex officio.

The principle of applying administrative assistance. Article 34 of LGAP stipulates that a public authority may request assistance from another public authority, among other things, to become acquainted with facts, documents, or other means of evidence in the possession of the other authority. This principle can be used to facilitate the verification procedure of necessary documents. In the case of reviewing the procedures for licenses and permits, IMC does not apply the principle of legal assistance at all.

Consideration of conducting the procedure ex officio. This principle is allowed by Article 86 of LGAP. In fact, this principle, in light of easing the procedures for issuing licenses at IMC, should be combined with the principle of applying administrative assistance, based on how the licensing procedure is regulated at IMC. IMC does not apply at all the principle of conducting the procedure ex officio. Article 86.3 of LGAP, regarding this principle, stipulates: ***Except when provided otherwise by a legal provision, documents that certify acts, facts, qualities or subjective situations, necessary to conduct an administrative investigation, shall be obtained ex officio by the public organ conducting administrative proceeding, whenever they are in its possession or in the possession of other organs. The public organ may request from parties only the necessary elements for the identification of documents.*** This implies that in some cases, when the documents and conditions of documentation for a license are not determined by law, then IMC in the specific case may request the party to only demonstrate that some documents exist and to verify them if they exist in public bodies.

Conducting the electronic screening procedure. Article 14.2 of LPLS stipulates: “Each competent authority shall make it possible for a person to submit an application for a permission electronically”. This creates the opportunity for IMC to develop an electronic review procedure based on internal acts issued by IMC for licensing. This is possible because Article 17.2 of LPLS allows licensing application procedures to be conducted through bylaws, which in the case of IMC implies that there is no need for legislative amendments regarding the conduct of an electronic procedure.

Specific conditions and criteria for granting licenses. In the case of IMC, the documents required for a license are quite specific because they are also related to public health and safety. Considering the specifics of IMC licenses, documentation is sometimes specific. Therefore, based on the analysis, the reduction of documentation has been sought on a case-by-case basis, based on two alternatives: 1. Verification of some facts through a statement under oath and 2. Identification by the party of some documents as well as the action of IMC, according to the principle of administrative assistance and conducting the procedure ex officio.

Submission of original documentation. In the context of permits approved by IMC, there is a phenomenon based on the Central Registry of Permits and Licenses (CRPL), and this phenomenon concerns the submission of some documents in original, including those documents that constitute notary and even undisputed facts, such as the business registration certificate or other evidence of the establishment of the association or consortium (depending on the type of permit) or its statute, etc. Therefore, the establishment

of this principle has been made with the aim of concretizing such a thing in specific recommendations, specified in the annex to this analysis.

3. Legal analysis regarding the permit and license harmonization with the criteria of the Law on General Administrative Procedures

Part of the legal analysis this report is also the harmonization which implies a process of adapting the LPLS in the specific case and the LIMC, with the aim of determining the permits and licenses issued by IMC, based on the LPLS. Regarding the aspect of harmonization, it is important to note the following issues:

Categorizing permits and licenses by risk: IMC should define a system for categorizing permits and licenses by risk, as stipulated in Article 19 of the Law on Electronic Communications. Therefore, an article should be amended or a new article should be introduced in LIMC.

4. Findings

1. Licenses and permits issued by IMC are in LIMC.
2. All IMC licenses are time-limited by categories, while LPLS does not regulate the issue of new licensing or license renewal.
3. There is no Single Point of Contact in IMC regarding the application for licenses and other permits.
4. The principle of administrative assistance to facilitate the verification procedure of necessary documents submitted for licensing is not applied.
5. The principle of conducting the procedure ex officio for verifying documents identified by parties, held by public institutions, is not applied.
6. Some documents that are notary and easily verifiable, in the case of applying for a license, are required to be submitted in original.
7. A number of documents required for general requirements category seem to increase the administrative burden on how they are requested.

5. Key recommendations

1. Extend the deadline for license issuance by IMC, respectively determine a minimum deadline for license categories;
2. Apply the principle of administrative assistance and conduct of the procedure ex officio, in terms of verifying some documents held by public institutions;
3. Renewal of licenses should be done ex officio;
4. Verify some necessary documents according to the statement under oath;
5. The initial review fees should be paid after the application is approved and the license review fee should be reviewed upon IMC's request;
6. Harmonize LIMC and LPLS according to the specified principles;
7. The fee height should be proportional to the necessary administrative expenses during the licensing process;
8. Apply a 45-day decision deadline for permit and license applications, according to LGAP.

6. Justification of the key recommendations

1. Extend the deadline for issuing licenses by IMC, namely establish a minimum deadline for license categories. Considering the principle of efficiency, it should be extended, where possible, for short-term permits and licenses. This should be done considering security, public health protection, and other criteria set by IMC. (The recommendation should be addressed in the IMC Law which is in the process of being amended).

2. Apply the principle of administrative assistance and conduct of procedure ex officio in terms of verifying some documents held by public institutions. IMC should apply the principle of administrative assistance throughout the procedure, combining it with the principle of conducting the procedure ex officio. Through the application of this principle, IMC will verify a number of evidence needed to be submitted by the party when submitting the application. By applying these principles, IMC will avoid the submission of some documents, in the case of applications for permits and licenses.

3. Renewal of licenses should be done ex officio. In the case of license renewal, especially when requested by IMC, the verification procedure shall commence and be completed while complying the implementation of procedures ex officio. This principle would also apply to the renewal of the license as well as its modification.

4. Verify some necessary documents according to the statement under oath. Some necessary documents for applying for licenses and permits at IMC are recommended to be reduced to ease the administrative burden. The reduction of these documents can be done in a way that certain issues that should be part of the application are verified through a statement under oath, considering the fact that according to the Law on IMC, the license may be withdrawn if the applicant provides false information.

5. Payment of initial review fees shall be made after the approval of the application. Considering the payment of fees and the fact that these fees are calculated based on the principle of calculation in accordance with specific reasonable administrative expenses incurred in the processing of acts to which such taxes refer. To ease the administrative burden, the initial fee should be paid electronically and only after the applicant's request has been approved.

6. Harmonize LIMC and LPLS according to specified principles. In order to harmonize permits and licenses, based on findings and recommendations regarding harmonization, LIMC should be harmonized with LPLS, amending and supplementing, as necessary, the specific article of LIMC, regardless of the fact that with this law, the types of permits and licenses are provided.

7. The fee height should be proportional to the necessary administrative expenses during the licensing process. LPLS in Article 18 determines a proportional tax, as far as necessary to cover the expenses incurred by the competent authority for administering the permit. The fee height should also be in accordance with this principle. Furthermore, it is necessary for the fee to be fixed and not determined through secondary elements that may allow for fee setting. Such an approach has the potential to present discrimination or legal uncertainty. IMC should therefore establish fixed fees.

8. A 45-day decision-making period for permit and license requests, as per LGAP - With the aim of simplifying the procedure and administrative burden, RAEPD should apply the decision-making period for permit and license requests of 45 days, in accordance with LGAP requirements. The application of a 45-day period would reduce the decision-making time and increase efficiency while easing the administrative burden on the parties.

7. Implementation of general and specific recommendations

Within the report, as mentioned, general and specific recommendations have been given, presented in the annex for each license. It should be noted that due to the fact that LIM recognizes two categories of permits, respectively licenses and permits, the specific recommendations in the annex for licenses and permits have turned out to be similar and in similar cases.

The implementation of general and specific recommendations, according to the annex, can be done in two ways: 1. Through amendments and supplementations of LEC, and 2. Through amendments and supplementations of IMC's internal regulations for regulating the procedures for issuing licenses and authorizations by IMC.

ANNEX

The annex includes the permits and licenses issued by IMC, according to the CRPL order

1. LICENSE FOR AUDIO AND AUDIOVISUAL MEDIA SERVICES PROVIDERS THROUGH TERRESTRIAL BROADCAST (NATIONAL RADIO AND TV)

1. Key findings

1.1 Legal basis for issuing the permit/license:

This license is based on Law No. 04/L-44 on the Independent Media Commission, namely in Articles 21 – 23. It is also based on the following articles: 4, 5, 6, 7, 8 and 9 of the Regulation on Audio and Audiovisual Media Service Providers (KPM-2021/01). As such, the legal basis for the licensing of this activity is in the law on LIMC.

1.2 The activity for which the permit/license is issued:

The purpose of this procedure is to regulate the broadcasting activity of audio and audiovisual media service providers in the Republic of Kosovo.

The procedure is necessary because the audio and audiovisual media service providers must be licensed in order to achieve the goal.

1.3 Validity period of the permit/license:

7 years for Audio Media Service Providers

10 years for Audiovisual Media Service Providers

1.4 Payment for obtaining the permit/license:

Application fee - 100 Euro.

For obtaining a license for:

Radio =5.600.00 Euro

TV =7.000.00 Euro.

1.5 Documents required for application:

1. Organizational chart explaining the duties and responsibilities of each unit of the proposed Audiovisual Media Service Provider for program broadcasting.
2. Evidence of qualifications of professional staff in relevant fields - University Diploma for the person responsible for programmatic, technical, and legal issues
3. Evidence of at least three (3) years of work experience in the relevant fields for the person responsible for programmatic, technical, and legal issues
4. Proof of legal registration of your business in the Republic of Kosovo - activity: Radio Television. (Business Certificate. NGO)
5. Evidence from the Tax Administration of Kosovo (not older than three [3] months) showing that the candidate has no obligations to the state of the Republic of Kosovo.
6. Evidence from the Court (not older than three [3] months) demonstrating that no bankruptcy or liquidation procedure is being conducted against the business of the applicant.
7. Evidence from the Basic Court not older than three [3] months) demonstrating that the candidate is not under criminal prosecution.

8. Declaration that the candidate does not hold any public office elected or appointed to a high official position.
9. Written statement that the candidate is not part of the high-level, leading/executive structures of any political party and/or religious organization.
10. Technical Project.
11. The proposed program format and scheme for one (1) week, taking into account the requirements for that service.
12. Evidence of financial eligibility, the origin, and the extent of financing sources (the evidence must be issued by the relevant institutions).
13. Business plan for the next three (3) years in tabular form, as well as a narrative description of the applicability of that plan regarding revenues and expenses in general for business development.
14. The representative of the company (business) or NGO must provide evidence that they are a citizen of the Republic of Kosovo.
15. Draft agreements on copyright.

2. Recommendations

1. Extend the term of granting the license;
2. Renewal of licenses should be done ex officio;
3. Some necessary documents for applying for this authorization need to be verified according to the principle of administrative assistance and ex officio action or prior statement under oath submitted by the party.
4. The authorization fee is paid in case of approval of the application and issuance of the decision for approval.
5. Review the application fee;

3. Justification of recommendations

1. Extend the term of granting the license. The extension of the term for this license is important due to the principle of legal certainty for the applicant, in terms of stability and duration. Therefore, objective and measurable criteria should be set in the regulations regarding the duration of the license. Realizing that the duration of these types of authorizations is of importance to the party, the possibility that the duration of these authorizations should be considered. Such a thing can be determined by a rule issued by IMC or the amendment of the regulation, to determine a longer period of validity of the authorizations, in order to have a more flexible and facilitating approach to the parties regarding this type of authorization.
2. The renewal of licenses should be done according to the ex officio principle. In cases where it is not possible for this license to be issued without a specified period, the renewal of this license must be done ex officio, through a verification procedure ex officio of the facts and not through a new administrative procedure for application. This can be determined by a bylaw issued by IMC. Such action can be taken through bylaws, as defined in Article 17.2 of LPLS.
3. Regarding the respective documents that the party must submit, upon application, some of them can be verified according to the principle of legal assistance between authorities as well as the principle of ex officio conduct of the procedure or through a statement under oath. Other documents remain to be submitted as requested by IMC, as they constitute specific documents regarding the need for identifying specific aspects related to this license.

4. Regarding the tax, IMC should make an effort to enable the parties to pay the initial fee, after the procedure is completed and after the application is approved. This would ease the administrative burden of the parties and implement the principle recognized by LGAP, for conducting a procedure without financial burdens for the party.
5. Review the application fee. LPLS in Article 18 determines a proportional tax, as far as necessary to cover the expenses incurred by the competent authority for administering the permit. Such action can be taken through bylaws, as defined in Article 17.2 of LPLS. Also, it should be stipulated that the entire fee payment is made only after the license is issued and not at the time of application.

2. LICENSE FOR AUDIO AND AUDIOVISUAL MEDIA SERVICE PROVIDERS THROUGH TERRESTRIAL BROADCAST (REGIONAL RADIO AND TV LICENSE)

1. Legal basis for issuing the permit/license:

This license is based on Law No. 04/L-44 on the Independent Media Commission, namely in Articles 21 – 23. It is also based on the following articles: 4, 5, 6, 7, 8 and 9 of the Regulation on Audio and Audiovisual Media Service Providers (KPM-2021/01). As such, the legal basis for the licensing of this activity is in the law on LIMC.

1.2 The activity for which the permit/license is issued:

The purpose of this procedure is to regulate the broadcasting activity of audio and audiovisual media service providers in the Republic of Kosovo.

The procedure is necessary because the audio and audiovisual media service providers must be licensed in order to achieve the goal.

1.3 Validity period of the permit/license:

7 years for Audio Media Service Providers

10 years for Audiovisual Media Service Providers

1.4. Necessary payment fee

Application fee - 100 Euro.

Payment for obtaining the license:

Radio - 700.00 EUR

TV = 1,050.00 EUR

1.5 Documents required for application:

1. Organizational chart explaining the duties and responsibilities of each unit of the proposed Audiovisual Media Service Provider for program broadcasting.
2. Evidence of qualifications of professional staff in relevant fields - University Diploma for the person responsible for programmatic, technical, and legal issues
3. Evidence of at least three (3) years of work experience in the relevant fields for the person responsible for programmatic, technical, and legal issues
4. Proof of legal registration of your business in the Republic of Kosovo - activity: Radio Television. (Business Certificate. NGO)

5. Evidence from the Tax Administration of Kosovo (not older than three [3] months) showing that the candidate has no obligations to the state of the Republic of Kosovo.
6. Evidence from the Court (not older than three [3] months) demonstrating that no bankruptcy or liquidation procedure is being conducted against the business of the applicant.
7. Evidence from the Basic Court (not older than three [3] months) demonstrating that the candidate is not under criminal prosecution.
8. Declaration that the candidate does not hold any public office elected or appointed to a high official position.
9. Written statement that the candidate is not part of the high-level, leading/executive structures of any political party and/or religious organization.
10. Technical Project.
11. The proposed program format and scheme for one (1) week, taking into account the requirements for that service.
12. Evidence of financial eligibility, the origin, and the extent of financing sources (the evidence must be issued by the relevant institutions).
13. Business plan for the next three (3) years in tabular form, as well as a narrative description of the applicability of that plan regarding revenues and expenses in general for business development.
14. The representative of the company (business) or NGO must provide evidence that they are a citizen of the Republic of Kosovo.
15. Draft agreements on copyright.

2. Recommendations

1. Extend the term of granting the license;
2. Renewal of licenses should be done ex officio;
3. Some necessary documents for applying for this authorization need to be verified according to the principle of administrative assistance and ex officio action or prior statement under oath submitted by the party.
4. The authorization fee is paid in case of approval of the application and issuance of the decision for approval.
5. Review the application fee;

3. Justification of recommendations

1. Extend the term of granting the license. The extension of the term for this license is important due to the principle of legal certainty for the applicant, in terms of stability and duration. Therefore, objective and measurable criteria should be set in the regulations regarding the duration of the license. Realizing that the duration of these types of authorizations is of importance to the party, the possibility that the duration of these authorizations should be considered. Such a thing can be determined by a rule issued by IMC or the amendment of the regulation, to determine a longer period of validity of the authorizations, in order to have a more flexible and facilitating approach to the parties regarding this type of authorization.
2. The renewal of licenses should be done according to the ex officio principle. In cases where it is not possible for this license to be issued without a specified period, the renewal of this license must be done ex officio, through a verification procedure ex officio of the facts and not through a new administrative

procedure for application. This can be determined by a bylaw issued by IMC. Such action can be taken through bylaws, as defined in Article 17.2 of LPLS.

3. Regarding the respective documents that the party must submit, upon application, some of them can be verified according to the principle of legal assistance between authorities as well as the principle of ex officio conduct of the procedure or through a statement under oath. Other documents remain to be submitted as requested by IMC, as they constitute specific documents regarding the need for identifying specific aspects related to this license.
4. Regarding the tax, IMC should make an effort to enable the parties to pay the initial fee, after the procedure is completed and after the application is approved. This would ease the administrative burden of the parties and implement the principle recognized by LGAP, for conducting a procedure without financial burdens for the party.
5. Review the application fee. LPLS in Article 18 determines a proportional tax, as far as necessary to cover the expenses incurred by the competent authority for administering the permit. Such action can be taken through bylaws, as defined in Article 17.2 of LPLS. Also, it should be stipulated that the entire fee payment is made only after the license is issued and not at the time of application.

3. LICENSE FOR AUDIO AND AUDIOVISUAL MEDIA SERVICE PROVIDERS THROUGH TERRESTRIAL BROADCAST (LOCAL RADIO AND TV LICENSE)

1. Legal basis for issuing the permit/license:

This license is based on Law No. 04/L-44 on the Independent Media Commission, namely in Articles 21 – 23. It is also based on the Regulation on Audio and Audiovisual Media Service Providers (KPM-2021/01). As such, the legal basis for the licensing of this activity is in the law on LIMC.

1.2 The activity for which the permit/license is issued:

The purpose of this procedure is to regulate the broadcasting activity of audio and audiovisual media service providers in the Republic of Kosovo.

The procedure is necessary because the audio and audiovisual media service providers must be licensed in order to achieve the goal.

1.3 Validity period of the permit/license:

7 years for Audio Media Service Providers

10 years for Audiovisual Media Service Providers

1.4. Payment of fees

Application fee - 100 Euro;

Payment for obtaining the license:

Radio - 350.00 EUR

TV = 560.00 EUR

1.5 Documents required for application:

1. Organizational chart explaining the duties and responsibilities of each unit of the proposed Audiovisual Media Service Provider for program broadcasting.
2. Evidence of qualifications of professional staff in relevant fields - University Diploma for the person responsible for programmatic, technical, and legal issues
3. Evidence of at least three (3) years of work experience in the relevant fields for the person responsible for programmatic, technical, and legal issues
4. Proof of legal registration of your business in the Republic of Kosovo - activity: Radio Television. (Business Certificate. NGO)
5. Evidence from the Tax Administration of Kosovo (not older than three [3] months) showing that the candidate has no obligations to the state of the Republic of Kosovo.
6. Evidence from the Court (not older than three [3] months) demonstrating that no bankruptcy or liquidation procedure is being conducted against the business of the applicant.
7. Evidence from the Basic Court not older than three [3] months) demonstrating that the candidate is not under criminal prosecution.
8. Declaration that the candidate does not hold any public office elected or appointed to a high official position.
9. Written statement that the candidate is not part of the high-level, leading/executive structures of any political party and/or religious organization.
10. Technical Project.
11. The proposed program format and scheme for one (1) week, taking into account the requirements for that service.
12. Evidence of financial eligibility, the origin, and the extent of financing sources (the evidence must be issued by the relevant institutions.
13. Business plan for the next three (3) years in tabular form, as well as a narrative description of the applicability of that plan regarding revenues and expenses in general for business development.
14. The representative of the company (business) or NGO must provide evidence that they are a citizen of the Republic of Kosovo.
15. Draft agreements on copyright.

2. Recommendations

1. Extend the term of granting the license;
2. Renewal of licenses should be done ex officio;
3. Some necessary documents for applying for this authorization need to be verified according to the principle of administrative assistance and ex officio action or prior statement under oath submitted by the party;
4. The authorization fee is paid in case of approval of the application and issuance of the decision for approval;
5. Review the application fee.

3. Justification of recommendations

1. Extend the term of granting the license. The extension of the term for this license is important due to the principle of legal certainty for the applicant, in terms of stability and duration. Therefore, objective and measurable criteria should be set in the regulations regarding the duration of the license. Realizing that the duration of these types of authorizations is of importance to the party, the possibility that the

duration of these authorizations should be considered. Such a thing can be determined by a rule issued by IMC or the amendment of the regulation, to determine a longer period of validity of the authorizations, in order to have a more flexible and facilitating approach to the parties regarding this type of authorization.

2. The renewal of licenses should be done according to the ex officio principle. In cases where it is not possible for this license to be issued without a specified period, the renewal of this license must be done ex officio, through a verification procedure ex officio of the facts and not through a new administrative procedure for application. This can be determined by a bylaw issued by IMC. Such action can be taken through bylaws, as defined in Article 17.2 of LPLS.
3. Regarding the respective documents that the party must submit, upon application, some of them can be verified according to the principle of legal assistance between authorities as well as the principle of ex officio conduct of the procedure or through a statement under oath. Other documents remain to be submitted as requested by IMC, as they constitute specific documents regarding the need for identifying specific aspects related to this license.
4. Regarding the tax, IMC should make an effort to enable the parties to pay the initial fee, after the procedure is completed and after the application is approved. This would ease the administrative burden of the parties and implement the principle recognized by LGAP, for conducting a procedure without financial burdens for the party.
5. Review the application fee. LPLS in Article 18 determines a proportional tax, as far as necessary to cover the expenses incurred by the competent authority for administering the permit. Such action can be taken through bylaws, as defined in Article 17.2 of LPLS. Also, it should be stipulated that the entire fee payment is made only after the license is issued and not at the time of application.

4. LICENSE FOR AUDIO AND AUDIOVISUAL MEDIA SERVICES PROVIDERS THROUGH TERRESTRIAL BROADCAST (LOW-POWER RADIO AND TV LICENSE)

1. Legal basis for issuing the permit/license:

This license is based on Law No. 04/L-44 on the Independent Media Commission, namely in Articles 21 – 23. It is also based on the Regulation on Audio and Audiovisual Media Service Providers (KPM-2021/01). As such, the legal basis for the licensing of this activity is in the law on LIMC.

1.2 The activity for which the permit/license is issued:

The purpose of this procedure is to regulate the broadcasting activity of audio and audiovisual media service providers in the Republic of Kosovo.

The procedure is necessary because the audio and audiovisual media service providers must be licensed in order to achieve the goal.

1.3 Validity period of the permit/license:

7 years for Audio Media Service Providers

10 years for Audiovisual Media Service Providers

1.4. Payment of fees

Application fee - 100 Euro.

Payment for obtaining the license:

Radio - 140.00 EUR

TV = 210.00EUR

1.5 Documents required for application:

1. Organizational chart explaining the duties and responsibilities of each unit of the proposed Audiovisual Media Service Provider for program broadcasting.
2. Evidence of qualifications of professional staff in relevant fields - University Diploma for the person responsible for programmatic, technical, and legal issues
3. Evidence of at least three (3) years of work experience in the relevant fields for the person responsible for programmatic, technical, and legal issues
4. Proof of legal registration of your business in the Republic of Kosovo - activity: Radio Television. (Business Certificate. NGO)
5. Evidence from the Tax Administration of Kosovo (not older than three [3] months) showing that the candidate has no obligations to the state of the Republic of Kosovo.
6. Evidence from the Court (not older than three [3] months) demonstrating that no bankruptcy or liquidation procedure is being conducted against the business of the applicant.
7. Evidence from the Basic Court not older than three [3] months) demonstrating that the candidate is not under criminal prosecution.
8. Declaration that the candidate does not hold any public office elected or appointed to a high official position.
9. Written statement that the candidate is not part of the high-level, leading/executive structures of any political party and/or religious organization.
10. Technical Project.
11. The proposed program format and scheme for one (1) week, taking into account the requirements for that service.
12. Evidence of financial eligibility, the origin, and the extent of financing sources (the evidence must be issued by the relevant institutions).
13. Business plan for the next three (3) years in tabular form, as well as a narrative description of the applicability of that plan regarding revenues and expenses in general for business development.
14. The representative of the company (business) or NGO must provide evidence that they are a citizen of the Republic of Kosovo.
15. Draft agreements on copyright.

2. Recommendations

1. Extend the term of granting the license;
2. Renewal of licenses should be done ex officio;
3. Some necessary documents for applying for this authorization need to be verified according to the principle of administrative assistance and ex officio action or prior statement under oath submitted by the party.
4. The authorization fee is paid in case of approval of the application and issuance of the decision for approval.
5. Review the application fee;

3. Justification of recommendations

1. Extend the term of granting the license. The extension of the term for this license is important due to the principle of legal certainty for the applicant, in terms of stability and duration. Therefore, objective and measurable criteria should be set in the regulations regarding the duration of the license. Realizing that the duration of these types of authorizations is of importance to the party, the possibility that the duration of these authorizations should be considered. Such a thing can be determined by a rule issued by IMC or the amendment of the regulation, to determine a longer period of validity of the authorizations, in order to have a more flexible and facilitating approach to the parties regarding this type of authorization.
2. The renewal of licenses should be done according to the ex officio principle. In cases where it is not possible for this license to be issued without a specified period, the renewal of this license must be done ex officio, through a verification procedure ex officio of the facts and not through a new administrative procedure for application. This can be determined by a bylaw issued by IMC. Such action can be taken through bylaws, as defined in Article 17.2 of LPLS.
3. Regarding the respective documents that the party must submit, upon application, some of them can be verified according to the principle of legal assistance between authorities as well as the principle of ex officio conduct of the procedure or through a statement under oath. Other documents remain to be submitted as requested by IMC, as they constitute specific documents regarding the need for identifying specific aspects related to this license.
4. Regarding the tax, IMC should make an effort to enable the parties to pay the initial fee, after the procedure is completed and after the application is approved. This would ease the administrative burden of the parties and implement the principle recognized by LGAP, for conducting a procedure without financial burdens for the party.
5. Review the application fee. LPLS in Article 18 determines a proportional tax, as far as necessary to cover the expenses incurred by the competent authority for administering the permit. Such action can be taken through bylaws, as defined in Article 17.2 of LPLS. Also, it should be stipulated that the entire fee payment is made only after the license is issued and not at the time of application.

5. LICENSE FOR AUDIO AND AUDIOVISUAL MEDIA SERVICES PROVIDERS THROUGH DISTRIBUTION OPERATORS (RADIO AND TV)

1. Legal basis for issuing the permit/license:

This license is based on Law No. 04/L-44 on the Independent Media Commission, namely in Articles 21 – 23. It is also based on the Regulation on Audio and Audiovisual Media Service Providers (KPM-2020/01). As such, the legal basis for the licensing of this activity is in the law on LIMC.

1.2 The activity for which the permit/license is issued:

The purpose of this procedure is to regulate the broadcasting activity of audio and audiovisual media service providers in the Republic of Kosovo.

The procedure is necessary because the audio and audiovisual media service providers must be licensed in order to achieve the goal.

1.3 Validity period of the permit/license:

7 years for Audio Media Service Providers

10 years for Audiovisual Media Service Providers

1.4. Payment of fees

Application fee - 100 Euro.

Payment for obtaining the license:

500.00 Euro for TV

200.00 Euro for Radio

1.5 Documents required for application:

1. Organizational chart explaining the duties and responsibilities of each unit of the proposed Audiovisual Media Service Provider for program broadcasting.
2. Evidence of qualifications of professional staff in relevant fields - University Diploma for the person responsible for programmatic, technical, and legal issues
3. Evidence of at least three (3) years of work experience in the relevant fields for the person responsible for programmatic, technical, and legal issues
4. Proof of legal registration of your business in the Republic of Kosovo - activity: Radio Television. (Business Certificate. NGO)
5. Evidence from the Tax Administration of Kosovo (not older than three [3] months) showing that the candidate has no obligations to the state of the Republic of Kosovo.
6. Evidence from the Court (not older than three [3] months) demonstrating that no bankruptcy or liquidation procedure is being conducted against the business of the applicant.
7. Evidence from the Basic Court not older than three [3] months) demonstrating that the candidate is not under criminal prosecution.
8. Declaration that the candidate does not hold any public office elected or appointed to a high official position.
9. Written statement that the candidate is not part of the high-level, leading/executive structures of any political party and/or religious organization.
10. The proposed program format and scheme for one (1) week, taking into account the requirements for that service.
11. Evidence of financial eligibility, the origin, and the extent of financing sources (the evidence must be issued by the relevant institutions).
12. Evidence of the Applicant's economic performance in terms of funding structure and sources, including liquidity measures, ability to manage liabilities/debts.
13. Business plan for the next three (3) years in tabular form, as well as a narrative description of the applicability of that plan regarding revenues and expenses in general for business development.
14. The representative of the company (business) or NGO must provide evidence that they are a citizen of the Republic of Kosovo.
15. Evidence from the Distribution Operator, licensed by IMC, providing the space in its network through which you will provide the audio and audiovisual media service.
16. Draft agreements on copyright.

2. Recommendations

1. Extend the term of granting the license;
2. Renewal of licenses should be done ex officio;
3. Some necessary documents for applying for this authorization need to be verified according to the principle of administrative assistance and ex officio action or prior statement under oath submitted by the party;
4. The authorization fee is paid in case of approval of the application and issuance of the decision for approval;
5. Review the application fee.

3. Justification of recommendations

1. Extend the term of granting the license. The extension of the term for this license is important due to the principle of legal certainty for the applicant, in terms of stability and duration. Therefore, objective and measurable criteria should be set in the regulations regarding the duration of the license. Realizing that the duration of these types of authorizations is of importance to the party, the possibility that the duration of these authorizations should be considered. Such a thing can be determined by a rule issued by IMC or the amendment of the regulation, to determine a longer period of validity of the authorizations, in order to have a more flexible and facilitating approach to the parties regarding this type of authorization.
2. The renewal of licenses should be done according to the ex officio principle. In cases where it is not possible for this license to be issued without a specified period, the renewal of this license must be done ex officio, through a verification procedure ex officio of the facts and not through a new administrative procedure for application. This can be determined by a bylaw issued by IMC. Such action can be taken through bylaws, as defined in Article 17.2 of LPLS.
3. Regarding the respective documents that the party must submit, upon application, some of them can be verified according to the principle of legal assistance between authorities as well as the principle of ex officio conduct of the procedure or through a statement under oath. Other documents remain to be submitted as requested by IMC, as they constitute specific documents regarding the need for identifying specific aspects related to this license.
4. Regarding the tax, IMC should make an effort to enable the parties to pay the initial fee, after the procedure is completed and after the application is approved. This would ease the administrative burden of the parties and implement the principle recognized by LGAP, for conducting a procedure without financial burdens for the party.
5. Review the application fee. LPLS in Article 18 determines a proportional tax, as far as necessary to cover the expenses incurred by the competent authority for administering the permit. Such action can be taken through bylaws, as defined in Article 17.2 of LPLS. Also, it should be stipulated that the entire fee payment is made only after the license is issued and not at the time of application.

6. LICENSE FOR AUDIO AND AUDIOVISUAL MEDIA SERVICE DISTRIBUTION OPERATORS THROUGH THE CABLE NETWORK, IPTV, OTT AND SATELLITE

1 Legal basis for issuing the permit/license:

This license is based on Law No. 04/L-44 on the Independent Media Commission, namely in Articles 21 – 23. It is also based on Article 6 of the Regulation on Audio and Audiovisual Media Service Providers

(KPM-2020/01) Article and in the articles: 1, 2, 3 and 4 of the Annex to the Regulation. As such, the legal basis for the licensing of this activity is in the law on LIMC.

1.2 The activity for which the permit/license is issued:

The purpose of this procedure is to regulate the distribution activity of audio and audiovisual media service providers in the Republic of Kosovo.

The procedure is necessary because the licensing of distribution operators needs to be done in order to achieve the goal.

1.3 Validity period of the permit/license:

10 years for audio and audiovisual service distribution operators.

1.4. Necessary payment fee

Payment (100 EUR for application)

For obtaining a license for distribution operator for cable, IPTV:

- Up to 1.000 inhabitants 150.00 Euro
- From 1.000 – 10.000 inhabitants 300.00 Euro
- From 10.000 – 50.000 inhabitants 500 Euro
- From 50.000 – 100.000 inhabitants 1.150,000 Euro
- From 100.000 – to 200.000 inhabitants 5.000.00 Euro
- Over 250,000 inhabitants 20.000.00 Euro.

Distribution operators - OTT 5.000.00 Euro

Distribution operators through satellite broadcasting 1,500.00 EUR

1.5 Documents required for application:

1. Organizational chart explaining the duties and responsibilities of each unit of the proposed Audiovisual Media Service Provider for program broadcasting.
2. Evidence of qualifications of professional staff in relevant fields - University Diploma for the person responsible for technical and legal issues.
3. Proof of legal registration of your business in the Republic of Kosovo - activity: Radio Television. (Business Certificate. NGO)
4. Evidence from the Tax Administration of Kosovo (not older than three [3] months) showing that the candidate has no obligations to the state of the Republic of Kosovo.
5. Evidence from the Court (not older than three [3] months) demonstrating that no bankruptcy or liquidation procedure is being conducted against the business of the applicant.
6. Evidence from the Basic Court not older than three [3] months) demonstrating that the candidate is not under criminal prosecution.
7. Declaration that the candidate does not hold any public office elected or appointed to a high official position.
8. Written statement that the candidate is not part of the high-level, leading/executive structures of any political party and/or religious organization.
9. A3-sized color-printed graphic map showing your distribution network in each municipality or cadastral zone separately.

10. Catalog of channels that you will offer to subscribers through the distribution operator, providing details on the transmission languages, the number of channels, and the channel numbering for each TV or radio station (e.g., XX Channel 1, XY Channel 2, etc.).
11. A copy of your contract that you will enter into with subscribers, regarding the service and terms you will offer through the distribution operator.
12. Evidence of financial eligibility, the origin, and the extent of financing sources (the evidence must be issued by the relevant institutions);
13. Business plan for the next three (3) years in tabular form, as well as a narrative description of the applicability of that plan regarding revenues and expenses in general for business development.
14. The representative of the company (business) or NGO must provide evidence that he/she is a citizen of the Republic of Kosovo.
15. Please submit draft copies (certified) of copyright agreements for each audio and audiovisual service that will be distributed on your network, in accordance with the applicable law in the Republic of Kosovo, for the protection of copyright
16. Evidence from the relevant institution (RAEPC) for the license extension of the network for the distribution of audio and audiovisual media services.
17. Evidence that the signal reception devices enable the sorting of channels according to user preferences.

2. Recommendations

1. Extend the term of granting the license;
2. Renewal of licenses should be done ex officio;
3. Some necessary documents for applying for this authorization need to be verified according to the principle of administrative assistance and ex officio action or prior statement under oath submitted by the party.
4. The authorization fee is paid in case of approval of the application and issuance of the decision for approval.
5. Review the application fee;

3. Justification of recommendations

1. Extend the term of granting the license. The extension of the term for this license is important due to the principle of legal certainty for the applicant, in terms of stability and duration. Therefore, objective and measurable criteria should be set in the regulations regarding the duration of the license. Realizing that the duration of these types of authorizations is of importance to the party, the possibility that the duration of these authorizations should be considered. Such a thing can be determined by a rule issued by IMC or the amendment of the regulation, to determine a longer period of validity of the authorizations, in order to have a more flexible and facilitating approach to the parties regarding this type of authorization.
2. The renewal of licenses should be done according to the ex officio principle. In cases where it is not possible for this license to be issued without a specified period, the renewal of this license must be done ex officio, through a verification procedure ex officio of the facts and not through a new administrative procedure for application. This can be determined by a bylaw issued by IMC. Such action can be taken through bylaws, as defined in Article 17.2 of LPLS.

3. Regarding the respective documents that the party must submit, upon application, some of them can be verified according to the principle of legal assistance between authorities as well as the principle of ex officio conduct of the procedure or through a statement under oath. Other documents remain to be submitted as requested by IMC, as they constitute specific documents regarding the need for identifying specific aspects related to this license.
4. Regarding the tax, IMC should make an effort to enable the parties to pay the initial fee, after the procedure is completed and after the application is approved. This would ease the administrative burden of the parties and implement the principle recognized by LGAP, for conducting a procedure without financial burdens for the party.
5. Review the application fee. LPLS in Article 18 determines a proportional tax, as far as necessary to cover the expenses incurred by the competent authority for administering the permit. Such action can be taken through bylaws, as defined in Article 17.2 of LPLS. Also, it should be stipulated that the entire fee payment is made only after the license is issued and not at the time of application.