

# INDIREG

## FINAL REPORT – ANNEX

*Indicators for independence and efficient functioning of audiovisual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive” (SMART 2009/0001)*

### Annex II – Country Tables – Kosovo<sup>1</sup>

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<sup>1</sup> Under the United Nations Security Council Resolution 1244 of June 10, 1999 (UNSCR 1244), hereafter Kosovo.

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Kosovo	21 10 cable operators 28 Program Service providers	Not regulated	1

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Kosovo	Information requirements (art. 5 AVMS Directive)	No requirement	Independent Media Commission (IMC) is responsible for areas that are regulated and in relation to all sectors covered.		
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	The IMC Regulation on Commercial Audiovisual Communications			
	Accessibility to people with a disability (Art. 7 AVMS Directive)	N/A			
	Broadcasting of major events (Art. 14 AVMS Directive)	N/A			

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Access to short news reports (Article 15 AVMS Directive)	N/A			
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	<p>N/A</p> <p>Note: RTK Law, Article 16 stipulates “RTK shall strive to achieve full compliance with European standards for audiovisual content at the earliest practical date.”</p> <p>IMC Broadcasting Policy, Article 9 determines the “Promotion of Local and European Production”</p> <p>It states: The Broadcasting Policy shall have as an aim to promote local and European production of audiovisual works as well as works by independent producers. The IMC shall ensure that broadcasters include a proportion of such works in their programming in accordance with specific rules stipulated in the licensing conditions and dependent on the type.</p>			
	Hate speech (Art. 12 and 6 AVMS Directive)	N/A			
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	IMC Regulation No. 2009/04 on Audiovisual Commercial Communication			
	Protection of minors (Art. 27 AVMS Directive)	IMC regulation No. 2009/01 on Protection of Children and Minors from Harmful Programs			
	Right of reply (Art. 28 AVMS Directive)	Code of Conduct for the broadcast media in Kosovo			
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	No written law – communication and cooperation achieved through the membership with EPRA			

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Kosovo	Independent Media Commission	<a href="http://www.kpm-ks.org/">www.kpm-ks.org/</a> <a href="http://www.imc-ko.org/index.php?id=19&amp;l=e">www.imc-ko.org/index.php?id=19&amp;l=e</a>	July 8, 2005	Pristina, Kosovo

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Kosovo	IMC	Yes	Yes	Yes (but not exercised in practice)	Yes	No	No

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Kosovo	Independent Media Commission	Not specified	29 (office of Executive chief)	Not specified, the annual budget changes every year.	€1m	2009 <a href="http://www.kpm-ks.org/images/stories/2009_annual_report.pdf">www.kpm-ks.org/images/stories/2009_annual_report.pdf</a>

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Kosovo	Independent Media Commission (IMC)	The Law on IMC <a href="http://www.assemblykosova.org/common/docs/ligjet/2005_02-L15_en.pdf">www.assemblykosova.org/common/docs/ligjet/2005_02-L15_en.pdf</a> UNMIK regulation 2005/34 <a href="http://www.unmikonline.org/regulations/2005/RE2005_34.pdf">www.unmikonline.org/regulations/2005/RE2005_34.pdf</a>	The Law on IMC <a href="http://www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf">www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf</a> UNMIK regulation 2005/34 <a href="http://www.unmikonline.org/regulations/2005/RE2005_34.pdf">www.unmikonline.org/regulations/2005/RE2005_34.pdf</a> Civil Law Against Defamation and Insult <a href="http://www.assembly-kosova.org/common/docs/ligjet/2006_02-L65_en.pdf">www.assembly-kosova.org/common/docs/ligjet/2006_02-L65_en.pdf</a> Law on Copyright and Related Rights <a href="http://www.assembly-kosova.org/common/docs/ligjet/2004_45_en.pdf">www.assembly-kosova.org/common/docs/ligjet/2004_45_en.pdf</a> Law on RTK <a href="http://www.assembly-kosova.org/common/docs/ligjet/2006_02-L47_en.pdf">www.assembly-kosova.org/common/docs/ligjet/2006_02-L47_en.pdf</a> Law On Access To Official Documents <a href="http://www.assembly-kosova.org/common/docs/ligjet/2003_12_en.pdf">www.assembly-kosova.org/common/docs/ligjet/2003_12_en.pdf</a>

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Kosovo	IMC	Independent Media Regulator	Yes		Independent state institution	<a href="http://www.imc-ko.org/index.php?id=19&amp;l=e">www.imc-ko.org/index.php?id=19&amp;l=e</a>

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Kosovo	IMC		√ The IMC is a body that is independent of any political influence, of whatever type it may be, in order to take over its responsibilities and functions determined by this Law.	The Law on IMC <a href="http://www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf">www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf</a>

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body.

We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Kosovo	IMC	Tick boxes	√	√	√
		Areas	IMC Rules, Regulations, Guidelines, Licence Conditions	Monitoring, Sanctioning	Selection of the RTK Board, setting amount of advertising on RTK
		Source	Law on IMC <a href="http://www.kpm-ks.org/index.php?option=com_content&amp;view=article&amp;id=191&amp;Itemid=56&amp;lang=en">www.kpm-ks.org/index.php?option=com_content&amp;view=article&amp;id=191&amp;Itemid=56&amp;lang=en</a>	Law on IMC <a href="http://www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf">www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf</a>	<a href="http://www.assembly-kosova.org/?cid=2,191,172">www.assembly-kosova.org/?cid=2,191,172</a>

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Kosovo	IMC	Quotas		√	√	√		The IMC Annual reports <a href="http://www.kpm-ks.org/index.php?option=com_content&amp;view=article&amp;id=145&amp;Itemid=49&amp;lang=en">www.kpm-ks.org/index.php?option=com_content&amp;view=article&amp;id=145&amp;Itemid=49&amp;lang=en</a> The Law on IMC <a href="http://www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf">www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf</a> Civil Law Against Defamation and Insult <a href="http://www.assembly-kosova.org/common/docs/ligjet/2006_02-L65_en.pdf">www.assembly-kosova.org/common/docs/ligjet/2006_02-L65_en.pdf</a> Broadcast Code of Conduct <a href="http://www.kpm-ks.org/index.php?option=com_content&amp;view=article&amp;id=20&amp;Itemid=57&amp;lang=en">www.kpm-ks.org/index.php?option=com_content&amp;view=article&amp;id=20&amp;Itemid=57&amp;lang=en</a>
		Advertising		√	√	√		The IMC Annual reports <a href="http://www.kpm-ks.org/index.php?option=com_content&amp;view=article&amp;id=145&amp;Itemid=49&amp;lang=en">www.kpm-ks.org/index.php?option=com_content&amp;view=article&amp;id=145&amp;Itemid=49&amp;lang=en</a> The Law on IMC <a href="http://www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf">www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf</a>
		Protection of minors		√	√	√		The IMC Annual reports <a href="http://www.kpm-ks.org/index.php?option=com_content&amp;view=article&amp;id=145&amp;Itemid=49&amp;lang=en">www.kpm-ks.org/index.php?option=com_content&amp;view=article&amp;id=145&amp;Itemid=49&amp;lang=en</a> The Law on IMC <a href="http://www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf">www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf</a>

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.



Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Kosovo	IMC	Quotas	√ all sanctions are discretionary	√ (€500 – 50,000)	√	√	√	
		Advertising	√	√ (€500 – 50,000)	√	√	√	
		Protection of minors	√	√ (€500 – 50,000)	√	√	√	

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Kosovo	IMC	√	√	√	√	√	√	√

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Kosovo	IMC	√	√	√	√	√

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Kosovo	IMC	Yes In 2009 the IMC published and distributed a brochure "How to file complaint"	<a href="http://www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf">www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf</a> <a href="http://www.kpm-ks.org/index.php?option=com_content&amp;view=article&amp;id=222&amp;Itemid=103&amp;lang=en">www.kpm-ks.org/index.php?option=com_content&amp;view=article&amp;id=222&amp;Itemid=103&amp;lang=en</a>

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Kosovo	IMC	Council	7	Yes 6	No	Yes 1 (nomination still pending)	No	No	No	6 civil society representatives and 1 representative of Parliament	<a href="http://www.imc-ko.org/index.php?id=22&amp;l=e">www.imc-ko.org/index.php?id=22&amp;l=e</a>
		Media Appeals Board	3	3						No information available	IMC Law

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Kosovo	IMC Council	<ul style="list-style-type: none"> <li>Selecting Chief Executive</li> <li>Approving strategy documents</li> <li>Adopts rules and other acts which have a general “<i>erga omnes</i>” applicability</li> <li>Taking decisions</li> </ul>	Majority vote , the chairman has a casting vote	Yes	Yes

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Kosovo	IMC	Chairman (Chief Executive)	Yes	IMC Council (Board)	IMC Council	Yes	<a href="http://www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf">www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf</a>
		Council members	Yes	Chief Executive Office Ad hoc commission of the Assembly.	The Assembly of Kosovo	Yes	<a href="http://www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf">www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf</a>
		Media Appeals Board	Yes	IMC Council	Supreme Court of Kosovo	??	

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Kosovo	IMC	Chairman of the board	2 years	Yes	1	<a href="http://www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf">www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf</a>
		Board members	2 years	Yes	1	
		Media Appeal Board Members	3 years	Yes	One or more additional terms	

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Kosovo	IMC	Chairman of the board	Law, Economy, Management, Telecommunications, Journalism (according to calls for nominations – not specified in the law)	Law, Economy, Management, Telecommunication, Journalism	<a href="http://www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf">www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf</a>
		Board members	Law, Economy, Management, Telecommunications, Journalism		<a href="http://www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf">www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf</a>
	Media Appeal Board	Chairman of the board	Legal Officer, Judge, Legal advisor	Law	<a href="http://www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf">www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf</a>
		Board members			<a href="http://www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf">www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf</a>

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Kosovo	IMC	Chairman	Yes		Yes	Yes	No	Yes	No	<a href="http://www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf">www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf</a>
		Board members	Yes		Yes	Yes	No	Yes	No	<a href="http://www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf">www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf</a>
		Senior staff	Yes, but only for Chief Executive	No	Yes	Yes	No	No	No	<a href="http://www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf">www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf</a>

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Kosovo	IMC	Chairman		No				
		Board members		No				
		Senior staff		No				

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Kosovo	IMC	Chairman		No		
		Board members		No		
		Senior Staff		No		

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Kosovo	IMC	Chairman	Yes		The Assembly of Kosovo	Yes	Only individual members	<a href="http://www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf">www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf</a> Art 6 of the IMC Law
		Individual board members	Yes		The Assembly of Kosovo	Yes	Only individual members	<a href="http://www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf">www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf</a> Art 22 of the IMC Law

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Kosovo	IMC	2005-2009	Chairman		No		
			Individual board members		No		
			Individual board members		No		

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Kosovo	IMC	License fees are paid into separate account within Kosovo Consolidated Budget and the IMC can not use this money. The same thing is	State funding €869,416 (83%)	Yes (applicable as of August 2008)	Yes €131,160 (13%)	No	No	<a href="http://www.kpm-ks.org/images/stories/2009_annual_report.pdf">www.kpm-ks.org/images/stories/2009_annual_report.pdf</a>

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
		with the fines.						



**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Kosovo	IMC	Kosovo government/ Ministry of Finance and Economy (MFE).	No Anybody can participate in the budget hearing not only IMC staff, but during those hearings there is no possibility to negotiate or influence the decision.	Government	No	<a href="http://www.kgjk-ks.org/repository/docs/gazeta/GZRK_63_eng.pdf">www.kgjk-ks.org/repository/docs/gazeta/GZRK_63_eng.pdf</a>

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					Legal basis
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	
Kosovo	IMC	Yes	-	Yes Office of General Auditor	No	No	Law on Auditing

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Kosovo	IMC	Parliament	Yes	Submission of annual reports, Amending and adaption of the Laws and strategies, Selection of the Council Members	The Law on IMC <a href="http://www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf">www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf</a>
		Government as a whole	No	N/A	N/A
		Specific ministers (e.g. Media, finance, etc.)	No	N/A	N/A
		Public at large	Yes	Sending document for public comments	<a href="http://www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf">www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf</a>
		Other	No	N/A	N/A

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved?	Link
Kosovo	IMC	Parliament	Annual	Regulatory Activities and Budget Expenses	No	Yes	Yes	<a href="http://www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf">www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf</a>

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Kosovo	IMC	Yes Note, however, that no audit was undertaken in the past three years.	<i>No information available</i>	Yes Office of General Auditor	No	No	Law on Auditing

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Kosovo	IMC	Does	No	No	No	No	No	<i>No information available</i>

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		anybody have the power to overturn decisions of the regulator?						
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No	<i>No information available</i>
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision) ?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	N/A	N/A	N/A	N/A	N/A	N/A

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Kosovo	IMC	Internal	1	Media Appeals Board	Yes	Licensees	<a href="http://www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf">www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf</a>
		External	1	Supreme Court			

**Table 33 - Does the regulator's decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Kosovo	IMC Media Appeals Board			√	N/A

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Kosovo	IMC Media Appeals Board	√	√	√	N/A

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Kosovo	IMC	Internal: 1 Media Appeals Board	√		The MAB has the power to cancel the decision and remit it back to the IMC Council for new decision or just take its own decision as a final one.
		External: 1 Supreme Court	<i>No information available</i>	<i>No information available</i>	<i>No information available</i>

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Kosovo	IMC	No	This is ensured through technical assistance provided to IMC by the international organizations that work with media	Yes	-	Yes. OSCE Advisor works with the IMC.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
			and the regulator.			

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Kosovo	IMC	Yes In general all new decisions, Rules and regulations are subject to public consultations	Public service broadcaster, association of commercial broadcasters, cable operators, media industry, chamber of commerce, faculties, NGO, international organizations, civil society, etc..	2 weeks	No	No	Law on IMC

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Kosovo	IMC	2009	9
		2008	7
		2007	4

Country	Body	Year	Number of public consultations
		2006	2
		2005	0

**Table 39 - Publication of regulator's decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Kosovo	IMC	Every specific act, rule, regulation, decision	Yes <a href="http://www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf">www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf</a>	No	No

## VIII. COOPERATION

**Table 40 - Cooperation with other regulatory authorities**



Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Kosovo	IMC	Through EPRA meeting and study visits organized by the OSCE and IREX.	Mainly study visits and conference's attendance	It can only use lessons learned and best practice	During the relicensing process in 2009 and 2008, IMC visited regulators in BiH, Albania, Croatia and Montenegro where IMC staff was trained how to conduct this process.

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Kosovo	IMC	Yes. ITU, EBU, EPRA, Council of Europe, OSCE	Advising and training	<a href="http://www.kpm-ks.org/images/stories/2009_annual_report.pdf">www.kpm-ks.org/images/stories/2009_annual_report.pdf</a>