

Albania: Facts about media legislation relevant for media integrity

De jure - rules	Yes / No / Partially	Details	Trends (e.g. relaxation, reinforcement)	De facto - situation (Comments)
Transparency rules for all media (media register, published reports etc.)	Partially	The ownership should be reported to the regulator and to the National Center of Registration. Annual financial reports are submitted to the tax office and to the regulator, but media are not required to make ownership or finances public in a more general sense.	The latest law on audio-visual media was approved in March 2013 (Law 97/2013) and the regulator is still drafting complementary regulations, including rules on transparency. It is still too early to make conclusions regarding the trend.	The National Center of Registration can be accessed online, offering information on companies' ownership history. However, there is no official attempt to verify the real owners of the media and to offer transparency on media finances.
Specific transparency rules for PSB	Partially	The PSB drafts annual reports to the parliament, including information on the financial operations (Law 97/2013, Article 102). There are no transparency rules regarding the decisions of Steering Council or those of other bodies.	This has not changed over the years.	Annual reports have detailed budget entries, comparing trends over the years. However, although the public can request such information, there is no pro-active approach in offering them.
Transparency rules for media regulator(s)	Yes	The regulator should publish on its website part or all of its expenses and revenues (Law 97/2013, Article 102). Until April 2013 it was obliged to publish its decisions online and in the Official Gazette, but this is no longer requested by the new law. The law specifies though that the regulator should conduct public	The new law added further obligations regarding transparency of finances and on consultation process, further reinforcing the requirements from the previous legislation.	It is too early to see whether these requirements will be respected. So far the regulator has published its decisions online and in the gazette, in the form of notifications, rather than full texts. Annual reports have been published online, though those for the last two

		consultations on major strategies and decisions, online and offline (Law 97/2013, Articles 21, 48, 53). The regulator also submits annual reports to the parliament (Law 97/2013, Article 28).	However, the new law has omitted the obligation to publish the council decisions online and in the Official Gazette.	years are not available anymore, or had been online only for a short period of time.
Anti-concentration rules	Yes	The Law no.9121 on Competition Protection applies to all commercial organizations, including media companies. Article 62 of the Law 97/2013 has specific regulations on media concentration: <ul style="list-style-type: none"> - No more than 40% ownership in a media with a national license. - The owner of a company with a national license can own no more than 20% of another company that owns a local or national license. - No more than 30% of advertising market. 	The new law added the restriction on advertising market.	Formally, these rules have been observed. However, the speculations on hidden ownership have been on-going.
Cross-ownership rules	Partially	No more than two local licenses, one audio and one audio-visual. (Law 97/2013, Art.62).	Print and audio-visual media cross-ownership has always been allowed.	Formally, these rules have been observed. However, the speculations on hidden ownership have been ongoing.
Ban/restrictions of media ownership for politicians	No	The Law 97/2013 does not specify this. However, the complementary regulation by the authority is still under discussion.	Previous legislation banned ownership of electronic media by political parties or politicians.	Formally these rules have been respected, but links between owners and politicians have been subject of speculation.
Barriers/thresholds for foreign ownership in the media	No	The Law 97/2013 or any other related laws do not specify any limits to foreign ownership in the media.	The same criteria as for domestic owners apply.	Foreign ownership has been scarce and limited.
Separate anti-monopoly body for media industry	No			
General anti-monopoly body in charge of media	Yes	The Authority for Protection of Competition is in charge of all cases related to competition, although no special rules are envisaged for	The Law 9121 on Competition Protection was approved in 2003 and there	In practice there have been no cases of intervention from the Authority in the

concentration		media.	has been no new regulation since.	media field.
Conflict of interest rules for membership in regulatory bodies	Yes	<p>They cannot be:</p> <ul style="list-style-type: none"> -members of political parties and associations; -candidates for MP or MP in the last two parliamentary terms; -candidates for local government units in last elections or Mayors; -members of Council of Ministers or prefects for the last three years; -members of the Council of Complaint or AKEP (including employees); - owners of shares in commercial associations related to audio-visual media, advertisement, content production, electronic communication networks, members of directing or advisory bodies to these associations. -Members of a regulator should declare any interest they have in subjects licensed by the regulator or applications for license, and should not participate in the discussions on these licenses. -Regulator members cannot make public political statements that affect their objectivity. -Members of the regulator should be free from political or financial influence(Law 97/2013, Article 7). 	Conflict of interest rules have always been present in legislation. In 2006 the regulator also adopted an internal regulation on conflict of interest, in the framework of a general attempt to regulate conflict of interest in public administration.	There have been no public cases of conflict of interest for members of regulatory bodies.
Conflict of interest rules for governing bodies of PSB	Yes	<p>They cannot be:</p> <ul style="list-style-type: none"> -members of political parties and associations; -candidates for MP or MP in the last two parliamentary terms; -candidates for local government units in last elections or mayors; -members of Council of Ministers or prefects for the last three years; 	Such rules have been present, but the new law brought further restrictions.	There have been no public cases of conflict of interest for governing bodies of PSB.

		<ul style="list-style-type: none"> -members of the Council of Complaint or AKEP (including employees); - owners of shares in commercial associations related to audio-visual media, advertisement, content production, electronic communication networks, members of directing or advisory bodies to these associations. - Members of Steering Council should declare any interest they have in subjects RTSH will work with or contracts RTSH will engage in and they should not participate in the discussions on these licenses (Law 97/2013, Article 97). 		
Conflict of interest rules for management of PSB	Yes	<p>General Director cannot be:</p> <ul style="list-style-type: none"> -member of political parties and associations; -candidate for MP or MP in the last two parliamentary terms; -candidate for local government units in last elections or Mayor; -member of Council of Ministers or prefect for the last three years; -member of the Council of Complaint or AKEP (including employees); - owner of shares in commercial associations related to audio-visual media, advertisement, content production, electronic communication networks, members of directing or advisory bodies to these associations; -employed in other position during the term (Law 97/2013, Article 104). 	Such rules have been present, but the new law brought further restrictions.	There have been no public cases of conflict of interest for management of PSB.
Conflict of interest rules for top management position in a regulator	No	The same rules as for the other members apply.		There have been no public cases of conflict of interest for chairman of regulator.
Conflict of interest	N/A			There is no regulation and no decision

rules for members of decision making body on media subsidies				making body for media subsidies.
Merit system for nomination and appointment of members of a regulatory body	Yes	No less than 10 years of experience in the areas of media, broadcasting, content, media technology, competition, Albanian language development, art, vulnerable groups, law, technological development, consumer protection (Law 97/2013, Article 8).	The merit system has been more or less the same, the nomination process has varied.	Although the members appointed have had their merits, the main criteria for appointing them have been political decisions of MPs, rather than professional skills, following the formula.
Merit system for nomination of members of PSB governing bodies	Yes	No less than 10 years of experience in the areas of media, broadcasting, content, media technology, competition, Albanian language development, art, vulnerable groups, law, technological development, consumer protection (Law 97/2013, Article 93).	The merit system has been more or less the same, the nomination process has varied.	Although the members appointed so far had their merits, the main criteria for their appointment has been political decision of MPs, rather than professional skills required in the law.
Ban of political propaganda outside election period	Yes	Media should refrain from political bias when reporting on politics (Law 97/2013, Article 46, broadcasting sub-regulation is pending.)	According to law, political propaganda has been always banned.	Although open propaganda is missing, the quality of reporting, the news agenda and the selection and tone of coverage show that one media prefers one political wing over another.
Obligation of fair and balanced reporting	Yes	Obligations of accuracy, objectiveness, and fairness in news reporting and public interest issues (Law 97/2013, Article 46).	This obligation has been present in all legal drafts and amendments.	In general, mainstream media have been balanced in their reporting, although nuances of bias have been observed, especially during electoral campaigns.
Editorial independence rules for private media	Partially	Media should refrain from political bias when reporting on politics (Law 97/2013, Article 46).	Previous regulation stated that editorial independence is guaranteed by the law for all media. Such provision is missing in the current legislation (regulating audio-visual media),	Although the regulation guaranteed editorial independence, this provision has not been observed by creating other mechanisms that would assist independence. Media independence has been constantly doubted.

			approved in March 2013.	
Editorial independence rules for PSB	Partially	PBS should refrain from bias in the coverage of news events (Law 97/2013, Article 91).	Previous regulation stated that editorial independence is guaranteed by the law for all media. Such provision is missing in the current legislation (regulating audio-visual media), approved in March 2013.	The law used to guarantee editorial independence for all media, but in practice, the main accusation against PSB over the years has been lack of independence, no matter who was in power.
Journalists' autonomy - conscience clause	No		This has never been part of the work contracts of journalists.	When there are contracts they refer to general work conditions, not to content or editorial independence.
Journalists' opinion on appointments and dismissals of editors is requested	No		This has never been part of legislation or internal practice in the newsrooms.	In practice, journalists have no influence on appointments and dismissal of editors.
Legal obligation for employers to sign collective contracts on labour rights in the media	No		The Code of Labour obliges all employers to have contracts with employees, but not necessarily collective agreements as well. There is no specific labour requirement for media organizations.	Collective contracts in the media have not been signed so far.

Relevant laws:

- Law On Audiovisual Media (97/2013): <http://institutemedia.org/Documents/PDF/Law%20on%20Audiovisual%20Media.pdf>
- Law On Competition Protection (no. 9121): http://www.caa.gov.al/uploads/laws/Law_nr_9121_date_09.05.2012.pdf