

# 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 – Albania

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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)
<b>Albania</b>	2 (Klan Tv and Top Channel Tv) and 69 regional and local analogue terrestrial television channels. 48 regional and local cable services Two satellite television operators: Alsat and Vision Plus and Top Media	3 on-demand digital transmission services: Tring, Digitalb and SuperSport	1 (TVSH) (Second Programme not operational, the second program is being broadcast only for Tirana)

**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
<b>Albania</b>	Information requirements (art. 5 AVMS Directive)				
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	Law no. 8410 dated 30.09.1998 “On public and private radio and television in Republic of Albania”, with its changes and additions; amended by law no. 8655 dated 31.07.2000, amended by law no. 8794 dated 10.05.2001, amended by law no. 9016 dated 20.02.2003, amended by law no. 9124 dated 29.07.2003, amended by law no. 9531 dated 11.05.2006, amended by law no. 9584 dated 17.07.2006, amended by law no. 9677 dated 13.01.2007, amended by law no. 9262 dated 21.07.2008 Law no. 9742 dated 28.05.2007 “On digital transmission in the Republic of Albania”.	National Commission on Radio Television – NCRT (KKRT in Albanian) is responsible for all areas and sectors covered		

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
		Law no. 9851, dated 26.12.2007 "On ratifying the Final Acts of the ITU Regional Conference GE06"			
	Accessibility to people with a disability (Art. 7 AVMS Directive)				
	Broadcasting of major events (Art. 14 AVMS Directive)				
	Access to short news reports (Article 15 AVMS Directive)				
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)				
	Hate speech (Art. 12 and 6 AVMS Directive)				
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)				
	Protection of minors (Art. 27 AVMS Directive)				
	Right of reply (Art. 28 AVMS Directive)				
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30b AVMS Directive)				

**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
Albania	National Commission of Radio and Television (NCRT), or KKRT in Albanian	<a href="http://www.kkrt.gov.al">www.kkrt.gov.al</a>	1998 as stated on the law, but year 1999 as declared on KKRT Strategic document on digital switchover	Rruga "Abdi Toptani", Tirana, Albania Tel: +355 (0) 42/ 233 599 Fax:+355 ( 0) 42/ 226 288

**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)
Albania	KKRT	Yes	Yes	Yes	√ (Albanian Authority on Electronic Communication and Postal Services AKEP does manage and administer the entire spectrum. It gives to KKRT the bandwidth for broadcasting. In addition AKEP does license the point to point frequency links for broadcasting purposes)	AKEP is the national regulatory body for electronic communications and postal services in the Republic of Albania. AKEP is the successor of the previous Telecom Regulator Telecommunications Regulatory Entity – ERT, created by law 9918 of May 19, 2008.	AKEP is the authority for electronic communications, while the Power Regulatory Entity – ERE is the regulatory body for energy. The distribution grid of the electro energetic power has been privatised to a Czech Company 'CEZ'

**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
Albania	KKRT	Law 9584, dated 17.07.2006	32 until 2006, 48 until 2008; 49 in 2010	In art. 11, are prescribed the sources of funding. The budget is calculated from KKRT based on its salary, other expenses and investment needs, but the final decision is taken at the Ministry of Finance and the Council of Ministers (art. 12 of law 8410)	€0.48m €0.94m €0.78m	2006 2009 2010

## 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
Albania	KKRT	Law no. 8410 dated 30.09.1998 "On public and private radio and television in Republic of Albania" amended by law no. 8655 dated 31.07.2000, amended by law no. 8794 dated 10.05.2001, amended by law no. 9016 dated 20.02.2003, amended by law no. 9124 dated 29.07.2003, amended by law no. 9531 dated 11.05.2006, amended by law no. 9584 dated 17.07.2006, amended by law no. 9677 dated 13.01.2007  Law no. 9742 dated 28.05.2007 "On digital transmission in the Republic of Albania"	Law no. 8410 dated 30.09.1998 "On public and private radio and television in Republic of Albania" amended by law no. 8655 dated 31.07.2000, amended by law no. 8794 dated 10.05.2001, amended by law no. 9016 dated 20.02.2003, amended by law no. 9124 dated 29.07.2003, amended by law no. 9531 dated 11.05.2006, amended by law no. 9584 dated 17.07.2006, amended by law no. 9677 dated 13.01.2007,  Law no. 9742 dated 28.05.2007 "On digital transmission in the Republic of Albania"

**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
Albania	KKRT	Separate authority	Yes		The organization structure and the total number of employees are approved by Parliament.	<a href="http://www.kkrt.gov.al">www.kkrt.gov.al</a> Law 8410 Law 9584 <a href="http://www.parlament.al">www.parlament.al</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	
Albania	KKRT	Even though as stipulated in law, the members of KKRT are supposed to be experienced professionals in the fields of civil society, with judicial, economic, teaching and media experience, in practice since mid 2006 (august) five board members are proposed from the political parties in the coalition government while two of them from the opposition parties.		Law 8410, as amended by law 9677, dated 13.01. 2007, law 9531, dated 11.05.2006

### 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
Albania	KKRT	Tick boxes	√	√ Provides its opinion to the government upon request	√
		Areas	Spectrum allocation and optimisation for broadcasting; terms related to content, advertising, and area coverage; broadcasting spectrum monitoring.	Economic legal and technical criteria on licenses and licensed areas	Economic legal and technical criteria on licenses and licensed areas
		Source	General act Law 8410, with its changes and additions (amendments)	Law 8410 with its changes and additions as well as Rules and Regulations developed in accordance with them	General act and specific legislation Law 8410 with its changes and additions as well as Rules and Regulations developed in accordance with them

**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)
Albania		Quotas	√		√			Legal and regulatory provisions
		Advertising	√		√			Legal and regulatory provisions
		Protection of minors	√		√			Legal and regulatory provisions

**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
Albania	KKRT	Quotas	√	√ €150 – 1,500 discretionary	√ Official Gazette	√ (after warnings and fines are given to the licensee)		
		Advertising	√	√ €500 – 7,500 discretionary	√ Official Gazette	√ same as above		
		Protection of minors	√	√ €500 – 7,500 discretionary	√ Official Gazette	√ same as above		

**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
Albania	KKRT	√ Provides its opinion upon request	√	Drafts the National Strategies on radio and television broadcasting	√		√	√ Council on Ethics, as of Article 18, law 8410

**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)
Albania	KKRT	√	√ €7,500	√ Official Gazette	√	N/A State treasury

**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
Albania	KKRT	Yes, there is the Commission on Ethics dealing with complaint from viewers. The Council or the Commission of Ethics handles complaints from viewers relating to the fairness of the program. It is a consultative body to the KKRT board. It does not have legal or administrative powers (reference on pages 30 of the annual KKRT reporting for 2009).	<a href="http://www.kkrt.gov.al">www.kkrt.gov.al</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)		
Albania	KKRT	Board	5	1	n/a	1	n/a	5	n/a	No information available	

**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?
Albania	KKRT	All regulatory matters in the fields of media broadcasting	Decisions are taken in a collegial manner. The ordinary quorum of presence is four. Some decisions require a minimum quorum of presence of five.	All board decisions (approvals and rejections) must be argued in writing.	No The law foresees that the minutes of the board meetings may be kept into a board meeting ledger (note keeping book) but that information is not publicly available.

**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
Albania	KKRT	Chairman	Yes	Parliamentary Commission on Education and Public Information Means	The Parliament	Not in practice	<a href="http://www.parlament.al">www.parlament.al</a>
		Board members	Yes	Parliamentary Commission on Education and Public Information Means	The Parliament	Yes	<a href="http://www.parlament.al">www.parlament.al</a>

**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
Albania	KKRT	Chairman of the board	5 years	No	Only once	Law, art.
		Board members	5 years	No	Only once	law
Until the legal changes of May 2006 and January 2007, the term in the office of board members were 5 years for the Chairman and 3.5 years for the other board members.						

**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
Albania	KKRT	Chairman of the board	Distinguished personalities in the fields of politics, jurisprudence, mass media , sociology and humanitarian sciences		Art. 8, law 8410
		Board members	Distinguished personalities on the fields of politics, jurisprudence, mass media , sociology and humanitarian sciences		Art. 8, law 8410

**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						
Albania	National Council of Radio-Television	Chairman	Yes		Yes Cannot be member of parliament or of the Government	Yes Cannot be member of political parties and associations, member of parliament	Yes Cannot be member of joint stock companies related to the mass media or represent commercial interests that are contrary to their function. Cannot have financial interests related to radio-television broadcasts through ownership, employment or commercial relations.	No	Yes Cannot defend the interests of a company or firm producing audio-visual materials, press publications, advertisements or telecommunications.	<a href="http://www.hidaa.gov.al">www.hidaa.gov.al</a> Art. 14, law 8410, with its changes and additions and the specific law on the Prevention of Conflict of Interest (Law 9367, with its changes and additions)

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						
		Board members	Yes		Same as above	Same as above	Same as above	Yes	Same as above	<a href="http://www.hidaa.gov.al">www.hidaa.gov.al</a> Art. 14, law 8410, with its changes and additions and the specific law on the Prevention of Conflict of Interest (law 9367, with its changes and additions)
		Senior staff (Director level)	Yes		Yes	Yes	Yes	No	No	<a href="http://www.hidaa.gov.al">www.hidaa.gov.al</a> Specific law on Prevention of Conflict of Interest (law 9367, with its changes and additions)

**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				
Albania	KKRT	Chairman	Yes		No information available	Yes Cannot not be members of political parties or political associations, or be a former member of the parliament.	Yes Cannot be shareholders, part of management boards, or employed by undertakings that have business relations with or ownership of public information means, or that have commercial interests that could	<a href="http://www.hidaa.gov.al">www.hidaa.gov.al</a> Law 8410, as amended and specific law on Conflict of Interest (law 9367, as amended)

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				
							lead to conflict of interests. Should not have any financial interests or links with the activities of radio and television transmissions.	
		Board members	Yes		Same as above	Same as above	Same as above	<a href="http://www.hidaa.gov.al">www.hidaa.gov.al</a>
		Senior staff	Yes		Same as above	Same as above	Same as above	<a href="http://www.hidaa.gov.al">www.hidaa.gov.al</a> specific law on Conflict of Interest (law 9367, as amended)

**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		
Albania		Chairman	Yes		Yes, for 1 year	<a href="http://www.hidaa.gov.al">www.hidaa.gov.al</a>
		Board members	Yes		Yes, for 1 year	<a href="http://www.hidaa.gov.al">www.hidaa.gov.al</a>
		Senior Staff	Yes		Yes, for 1 year	<a href="http://www.hidaa.gov.al">www.hidaa.gov.al</a>

**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				
Albania	KKRT	Chairman	Yes		Parliament	Yes <ul style="list-style-type: none"> <li>found guilty with a decision of the final instance court as having committed a crime</li> <li>becomes physically or mentally inept to carry its functions</li> <li>unjustified absence during one calendar year for the 1/3 of the board meetings</li> <li>found guilty of offences prescribed in article 14 of the law</li> <li>repeatedly (wilfully or negligently) prevents the quorum for taking decisions 2 consecutive times of the board meetings</li> <li>if board chairman, the vice chairman or at least two board members formally request the parliament to dismiss board member with written arguments. The parliament must proceed with the written request within ten days.</li> <li>Chairman, vice chairman and board members can request their resignation at any time.</li> </ul>	Yes	<a href="http://www.parlament.al">www.parlament.al</a> Art. 15, law 8410 with its changes and additions

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				
		Individual board members	Yes		Parliament	Same as above	Yes	Same as above

**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		
Albania	KKRT	2009	Chairman	Yes		Being chosen to run for Member of Parliament	
			Individual board members	Yes		Undeclared conflict of interest	
		2008	Chairman		No		
			Individual board members		No		
		2007	Chairman	Yes		Personal resignation	Joined another position, internationally
			Individual board members		No		
2006	Chairman	Yes		Rejection of the annual report by the plenary session of the Parliament for the second consecutive year (source: research of the consortium)			

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
			Individual board members	Yes		Rejection of the annual report by the plenary session of the Parliament for the second consecutive year. Board and Chairman were dismissed. (source: research of the consortium)	
		2003 - 2004	Chairman	Yes		Rejection of the annual report by the plenary session of the Parliament (source: research of the consortium)	
			Individual board members	Yes		Rejection of the annual report by the plenary session of the Parliament. (source: research of the consortium)	

## 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
Albania	KKRT	Percentage of broadcasting licence fee	Yes	Yes	Yes USD 50k - €39,325 /annually for the television Cost of initial licence: USD 200 - €157	5% of total revenues generated from fines	No	<a href="http://www.kkrt.gov.al">www.kkrt.gov.al</a>

**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
Albania	KKRT	The leading board of KKRT does propose its annual budget to the Ministry of Finance for its comments and consideration, based on its needs and plans for conducting its activity.  After getting the approval from the Ministry of Finance then the draft proposal is submitted for approval at the Council of Ministers	Yes, it drafts its proposal based on the incurred expenses from the previous year and on its planned activities and investments	Government	No	Art. 11 & 12 of law 8410, with its changes and additions Law 9584, dated 17.07.2006

**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?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Albania	KKRT	No	Every three to four years (ad hoc: is not systematic)	Yes	No	No	The State Supreme Audit Law

## 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
Albania	KKRT	Parliament	Yes	KKRT must report each year to the Parliament. The Parliamentary Commission on Education and Public Informing Means holds a hearing about the KKRT report. A draft resolution is then drafted and the annual report of the Chairman is sent to the plenary session of Parliament. The reporting does not cover the financial aspects.	Law 8410, dated 30.09.1998, with its changes and additions
		Government as a whole	No	N/A	N/A
		Specific ministers (e.g. Media, finance, etc.)	No	N/A	N/A
		Public at large	No	N/A	N/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
Albania	KKRT	Parliament/ministry/body/sector/public (if more than one, cover in separate rows) Parliamentary Commission on Education, and Public Informing Means	Annual	As defined by the law 8410, with its changes and additions	Yes	Yes	Yes <i>No further information available</i>	<i>No information available</i>

**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
Albania	KKRT	Yes	Every 3 to 4 years	Yes The Supreme State Audit	No	No	The law on Supreme State Audit

**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
Albania	KKRT	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	<i>No information available</i>
		Does anybody have the power to give instructions to the regulatory body?	Yes, it must abide by all The Regulatory body – KKRT has to adhere to the legal provisions of the primary and by pass laws as well as National Strategies being adopted from the government	No	The National Strategies on radio and television broadcasting may be drafted from KKRT and are adopted from the Government	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	N/A	N/A	N/A	N/A	N/A	N/A

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		legal instructions which exclude instructions on political grounds)?						

**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	
Albania	KKRT	Internal	1	Any KKRT Decision can initially be challenged before the board of KKRT itself	Yes, according to the rules and regulations being adopted by the regulatory board, in line with the requirements stipulated on the law 8410, the Civil Code and the Code of Administrative Procedure (law 8485, dated 19.05.1999)	Any legal or physical person subject to a certain decision	Law 8410 Internal Rules and regulations	
			2	<i>After the Board's expression with an Individual new Decision, the case can be filed at Tirana District Court (Court of first Instance).</i>				
		External	1	Court of First Instance				Law of the Code of the Administrative Procedure
			2	Court of Appeal				
			3	High Court (final Decision)				

**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
Albania	KKRT			√	As defined by the Code of Administrative Procedure
<p>In case the decision of KKRT is challenged before the Court, to my understanding the KKRT decision holds (remains in effect) unless the Court decides otherwise. An important element to clarify this might well be the Internal Regulation of KKRT, and its subsequent cross references to the Code of Administrative Procedure. I couldn't manage to get a version of it.</p>					

**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
Albania	KKRT	√	The case is automatically sent at the Court of First Instance	√ Based on the legal grounds of the appeal being submitted	N/A
<p>If the case after the deliberation of the Court of First Instance is being challenged at the Appeal Court, if KKRT or Court of District did not conduct the proper steps and procedures as stipulated on the Code of Administrative Procedure, the Case will be immediately sent back to the Court of First Instance for full consideration and deliberation.</p> <p>If the case is being accepted for judgement at this Court level, the Court of Appeal may decide on the substance of the case.</p>					

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

Country	Body	Appeal stage	Yes	No	Comments
Albania	KKRT	Internal	√		N/A
	KKRT	1 Court of First Instance 2 Court of Appeal 3 High Court (final Decision)		√	The appeal body (the Court) has the power to cancel the decision and remit it back to regulator for new decision

## 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?
Albania	KKRT	No	N/A	Yes	Law on the public procurements	The board can seek external advice in certain areas (e.g. for the drafting of national strategies and regulations. In these cases a special budget is allocated. For cases that do not require in depth technical research, KKRT can hire more qualified expertise on a case by case basis. Only on certain aspects that require more qualified equipments or proven expertise from the relevant institutions.

**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	
Albania	KKRT	National strategies for broadcasting Licence withdrawal, or modifications	Licensed operators; Consumer groups and, Academic community	Not defined by law	Not defined by law	Not defined by law	Law 8410 Code of Administrative Procedures

**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
Albania	KKRT	2009	1 (draft strategy on the digital transmission and digital switchover)
		2008	1 (draft strategy on the digital transmission and digital switchover)
		2005-2007	No information available

**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
Albania	KKRT	Board decisions to award licences and licence withdrawals (law 8410, with its amendments and additions)	Yes (Art. 6, 34, 38...) Law 8410	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
Albania	KKRT	EBU, EPRA, ITU	Events and WG participation from KKRT experts	NA	NA

**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
Albania	KKRT	Participates on ITU working groups; France Audio Visual Commission -CSA	Mutual exchange of experience	Visits and exchanges among both authorities