**REPULBIKA E KOSOVËS**

**REPULBIKA KOSOVA – REPUBLIC OF KOSOVO**

KOMISIONI I PAVARUR I MEDIAVE NEZAVISNA KOMISIJA ZA MEDIJE

INDEPENDENT MEDIA COMMISSION

**IMC-2018/01**

# **INDEPENDENT MEDIA COMMISSION**

Pursuant to Article 15.10 of Law No. 04/L-44 on Independent Media Commission (Law on IMC), with purpose of establishing rules of organization, work procedures and the functioning of IMC, in the meeting held on 18 September 2018, approved the following:

# **RULES OF PROCEDURES**

**OF INDEPENDENT MEDIA COMMISSION**

## **Article 1 General provisions**

The Rules of Procedures of Independent Media Commission (hereinafter "IMC") shall be an internal act which shall determine the nature of discharging the functions and operation of IMC and the duties of the IMC Executive Office, namely constituting IMC, convening IMC meetings, quorum for IMC work and decision-making, holding of IMC meetings, decision-making procedures, transparency of the IMC work, conflict of interests, languages to be used in the IMC work, preparation of IMC meetings, regulation for the IMC recordkeeping (minutes), establishment of IMC working groups and other issues of interest for the IMC work and progress.

**Article 2**

**Constituting IMC**

IMC shall be considered constituted if it has been appointed by the founder (Assembly of Kosovo) at least 2/3 of all IMC members and has elected the Chairman and Vice-Chairman of IMC.

**Article 3**

**Election of the Chairman and Vice President of** **IMC**

## Election of the Chairman and/or Vice-Chairman shall take place in the first meeting after their absence (termination of mandate, dismissal, or any other reason for the inability to exercise the function of the Chairman and/or Vice-Chairman) by a simple majority vote of the IMC members if at least two thirds (2/3) of the IMC members are present at the meeting.

1. Voting for the election of the Chairman and/or Vice-Chairman of IMC shall be done by a secret ballot. The IMC members may nominate and vote for the same candidate for Chairman and Vice-Chairman of the IMC no more than two (2) times.

**Article 4**

**Convening IMC meetings**

## The Chairman of IMC shall convene regular IMC meetings at least once a month. IMC meetings may be convened and announced by the Chairman or at the request of at least four (4) IMC members.

**Article 5**

### Preparation of IMC meetings

1. The Executive Office of IMC, under the direction of the Chief Executive Officer, shall be responsible for the technical preparation of the IMC meetings. The Chief Executive Officer shall appoint a staff member of the Executive Office to have primary responsibility for the preparation of IMC meetings and shall notify IMC of this person. The Chief Executive Officer shall be responsible for the completion of procedure and schedule for the preparation of IMC meetings which enables IMC members to receive the agenda along with the materials for regular meetings 3 days in advance, while in case of extraordinary meetings, the materials shall be forwarded along with the reason for convening the meeting.
2. The Chief Executive Officer of IMC and other staff designated by him or her shall be present at IMC meetings. IMC may decide from time to time to what extent other staff will be present at IMC meetings.
3. The Chief Executive Officer shall be responsible for preparing cases for the IMC meeting, including licensing cases, cases of violation of license conditions and any other type of cases under the IMC law or any other applicable law. The Chief Executive Officer shall delegate to the directors of respective Departments of the Executive Office the tasks and responsibilities for preparation of certain cases (legal, licensing, frequency management, media monitoring and analysis and administration) with recommendations.

4. IMC shall issue instructions as to when hearings with the parties involved are needed in various cases. The Chief Executive Officer shall arrange hearings in accordance with such guidelines.

The Chief Executive Officer and the staff of the Executive Office shall provide professional support to members of the Independent Media Commission regarding fulfilment of the obligations arising from the Law on IMC. Professional assistance should be provided either through written or oral advice on a particular issue or through participation in meetings inside and outside the institution.

**Article 6**

**Quorum of IMC meetings**

l. No IMC meeting shall begin or resume without the constituted IMC and without securing the necessary quorum to hold such meeting.

1. A quorum shall exist if at least four (4) members of the IMC are present at the meeting, including the Chairman.
2. The Chief Executive Officer shall all meetings e IMC without the right to vote.

## The Chief Executive Officer, depending on the Agenda and the nature of the cases handled, shall propose participation of other officials among the Executive Office staff with a prior approval of IMC.

**Article 7**

## **Holding of IMC meetings**

1. IMC meeting shall be chaired by the Chairman of IMC in accordance with the Rules of Procedure of IMC.
2. In the absence of the Chairman, the meeting shall be chaired by the Vice-Chairman of IMC.

## Before the beginning of each meeting, the present members shall sign the attendance list, in which case they confirm their participation in the IMC meeting.

1. During the meeting, the participants shall request the floor in advance from the Chairman of the meeting, to state about the issues raised according to the agenda items, set out in the agenda.
2. Members of the Commission should be as concrete as possible in their presentations, taking into account the most rational use of time.
3. The Chairman shall be responsible for the conduct of IMC meetings. In case of violation of the Rules of Procedures by IMC members, the Chairman may decide to terminate it or postpone the meeting.

## **Article 8**

**Absence at work e Memberships of IMC**

1. IMC shall through the Executive Office keep records of members' participation in IMC meetings.
2. Pursuant to Article 14, point 3.6 of Law on IMC, for IMC members who are absent from work for more than one (1) month without a reason, the IMC shall initiate the legal procedure for dismissal of a member from the IMC.

**Article 9**

### Agenda of IMC meetings

l. The Chief Executive, in cooperation with the Chairman of IMC, shall prepare the Agenda for IMC meetings, which then shall be forwarded by the Executive Office to the other members for comments. IMC members may propose changes as well as the addition of other issues according to their assessment and urgency of cases.

## 2. Any IMC meeting shall, at the end of the Agenda, also have the item *"Any other business*”, in which various issues can be discussed and reviewed outside the Agenda.

**Article 10**

**Extraordinary IMC meetings**

## In the event of an urgent matter arising that requires the IMC attention, the Chief Executive Officer shall notify the Chairman of IMC. The Chairman shall decide whether an extraordinary meeting of IMC will be convened or if the matter will be settled by contacting the IMC members by telephone, e-mail or any other means. If a matter requires an urgent IMC decision, such a decision may be made, including voting by e-mail.

**Article 11**

**Establishment of Subcommittees by IMC**

## IMC shall establish Subcommittees on specific issues and assign special responsibilities to the members of Subcommittees. Such Subcommittees may meet between IMC meetings as appropriate. The Chairman of IMC may assist in Subcommittee meetings. The performance of Subcommittees shall be reported and discussed in IMC meetings.

**Article 12**

**IMC decision-making procedures**

## IMC shall make decisions by voting by a simple majority of the members present unless otherwise provided for by the Law on IMC. Members who are present but abstain from voting shall be included in the number of relevant members who shall determine the number of votes needed to vote.

1. Voting shall be done by IMC members by raising the hand. In case the IMC is determined for a secret ballot, the voting shall be done through ballots and ballot box.
2. In case the result of the IMC vote is equal, then the vote of Chairman of the IMC shall prevail.

**Article 13**

**Competences of IMC members when the Commission is not functional**

## In cases where the Commission is not functional, the Chairman, the Vice-Chairman or a senior member of the Commission shall keep being responsible for the legal competencies of IMC and may take decisions related to the representation of the IMC at home and abroad, but not decisions that relate to legal cases, licenses or the like, which must be made by a majority of votes.

**Article 14**

**Signing of IMC decisions**

All written decisions taken by IMC shall be signed by the Chairman of IMC. With the authorization of the Chairman of the IMC, such decisions may be signed by the Vice-Chairman of the IMC.

**Article 15**

**Delegation of responsibility to the Chief Executive Officer**

* 1. IMC shall determine the types of cases and conditions under which it delegates decision-making power to the Chief Executive Officer. This shall include simple cases of a routine nature as well as the ability to resolve cases or close cases if there are no circumstances for these cases to continue.
  2. IMC shall review the delegation of responsibilities to the Chief Executive Officer at least once a year in accordance with Article 16.6 of Law on IMC.

**Article 16**

**Performance Evaluation of Chief Executive Officer of the IMC Office Executive**

1. IMC shall evaluate the performance of the Chief Executive Officer in accordance with Law on Civil Servants.
2. Evaluation shall be done in writing by all IMC members through performance forms.
3. The Chairman of IMC, based on the analysis of the evaluations of other members and his or her own evaluation, shall make the final performance evaluation of the Chief Executive Officer.
4. IMC final evaluations of the CEO's performance shall be the basis for priorities in selecting the CEO or initiating disciplinary proceedings for poor performance up to dismissal.

**Article 17**

**Transparence of IMC performance**

* 1. Meetings shall be open to the public unless IMC decides otherwise.
  2. For efficiency issues, the IMC meeting may include a closed preliminary meeting followed by an open meeting.
  3. The Executive Office of IMC shall inform in advance the media and the public of the IMC meetings.
  4. Communication with media and public on behalf of the IMC shall be made by the Chairman of IMC or any other member authorized by the Chairman. Consent may be given orally or electronically.
  5. The Chief Executive Officer or directors of the respective departments may speak to the media or participate in public meetings with a prior consent of the Chairman of IMC. Consent may be given orally or electronically.
  6. Any proposals for Regulations, Codes and Guidelines approved by IMC shall be shared with stakeholders and the public for discussion.

### Article 18

**Records of IMC meetings**

1. The Chief Executive Officer shall appoint a member of staff responsible for keeping records (records-minutes) of decisions taken at IMC meetings. Within one week after the IMC meeting, the minutes prepared by the Executive Office shall be forwarded to the IMC members by e-mail or otherwise in agreement with the IMC, for their comments.

At the next meeting, the minutes from the previous meeting shall be approved and signed by the chairperson of the meeting.

3. The Commission meetings shall be recorded by IMC official equipment and the same shall be stored in audio version and archived within IMC. In special cases, a decision may be taken by a simple majority of votes of the members not to have the meeting recorded at all.

**Article 19**

**Conflict of interest**

In case an issue for discussion (for decision-making purpose) by IMC, especially when dealing with licensing issues, cases of breach of license terms or staffing issues, involves a person or undertaking with whom a member of IMC has a personal relation, the IMC member shall make this relation public. IMC shall decide whether the member will be exempted from deliberation and voting on the issue, in accordance with the IMC Code of Ethics.

**Article 20**

### Independence of IMC

l. IMC members, as well as IMC (Executive Office) staff, shall not receive instructions from any other person or entity, including governmental entities. The IMC independence shall be respected at all times and no person or entity shall be allowed to influence on the IMC members in carrying out their duties.

2. On the contrary, if IMC has grounded information on non-compliance with Article 19.1, IMC shall initiate disciplinary proceedings (verbal, written reprimand, suspension, etc.) against the person concerned until his or her dismissal.

**Article 21**

## **Languages to be used in IMC work**

1. Languages used in the IMC work shall be Albanian and Serbian.
2. For all IMC meetings, as appropriate, the Executive Office shall provide translation into working languages, simultaneously or consecutively.

**Article 22**

## **IMC reporting**

According to Law No. 04/L-44 on Independent Media Commission (Law on IMC), IMC shall report on its performance to its founder (Assembly of Kosovo), in a regular and extraordinary manner. Regular IMC reporting on its activities shall be done periodically – once (1) in a quarter (3 months) and at the end of each year. Extraordinary reporting shall be done at the founder’s request.

**Article 23**

**Amendment of the Rules of Procedure of IMC**

The present Rules of Procedure may be amended at any time in accordance with the Law and IMC decision.

**Article 24 Entry into force**

The Rules of Procedure of IMC shall enter into force on the day of its approval by IMC and shall repeal the previous Rules of Procedure of IMC.

**Chairman of IMC**

*[signed] 18.09.2018*

**Muja FERATI date**