 **IMC-2017/04**

Pursuant to the Article 18, paragraph 3, of the Law No. 05/L-027 on Digitalization of Terrestrial Broadcasting Transmissions and based on the Article 3, paragraph 2, point 6 and 11, of the Law No. 04/L-44 on the Independent Media Commission, IMC approves this:

**RREGULATION FOR MUST CARRY OF THE AUDIOVISUAL MEDIA SERVICES PROVIDERS IN MULTIPLEX OPERATOR**

**ARTICLE 1**

**PURPOSE**

With this Regulation are defined the rules and procedures for the must carry of the media service providers by the multiplex operator, with the aim of providing access to media service providers for all users in a transparent, objective and non-discriminatory basis, in accordance with general accepted standards in the European Union and to promote competition in the field of audiovisual services, in order to provide to the public high quality services and advanced technology.

**ARTICLE 2**

**SCOPE**

The provisions of this Regulation apply to all Licensees of the IMC which operate as multiplex operators.

**ARTICLE 3**

**DEFINITIONS**

1. **Must carry** - obligation for multiplex operator concerning must carry of media service providers licensed by the IMC.

2. M**ultiplex operator** - a legal person that provides the technical infrastructure for terrestrial distribution of digital programs and supplementary services for digital data transmission.

3. **Multiplex** - a standardized set or stream of digital signals expressed in Mb/s (Mega-bit-per-second) containing several television and/or radio programs and/or other data which is at the same time transmitted and broadcasted and whose streams are bundled;

4. **Media service provider** - a natural or legal person who has editorial responsibility for selection of audiovisual media service providers content and for determining its organization way.

5. **License** - a license issued by the IMC for multiplex operator to exercise broadcasting activity in the Republic of Kosovo.

6. **Licensee** - legal person licensed by the IMC to act as multiplex operator.

**ARTICLE 4 MUST CARRY OF MEDIA SERVICE PROVIDERS**

1. In order to ensure access to public in media service providers that offer program contents in general interest, and in order to promote media pluralism, the Licensees are subject to obligation of must carry.
2. Licensees as multiplex operators at the state level are obliged, in accordance with Article 18, paragraph 1, of the Law No. 05/L-027 on Digitalization of Terrestrial Broadcasting Transmissions, to include two programs of public broadcaster in multiplex indefinitely and two channels (commercial) with state coverage licensed by the IMC for terrestrial broadcasting until the termination of the license.
3. Licensees as multiplex operators at the regional level are obliged, in accordance with Article 18, paragraph 2, of the Law No. 05 / L-027 on Digitalization of Terrestrial Broadcasting Transmissions, to include in the multiplex all regional and local channels licensed by the IMC for terrestrial broadcasting, in accordance with the strategic policies of the IMC.
4. Must carry of the media service providers does not mean free access to MUX.
5. IMC will compile for the licensee a list of channels with must carry status for national and regional MUX.

**ARTICLE 5 REPORTING**

1. Multiplex operators should report to IMC regarding aspects of work related to the implementation of this Regulation.
2. Multiplex operators are obliged to notify IMC in writing concerning the inclusion of the channels with must carry status.

**ARTICLE 6 SANCTIONS**

For violation of this Regulation, IMC will take legal measures in accordance with IMC Law No. 04/L-44 and Digitalization Law No. 05/L-027.

**ARTICLE 7 ENTRY INTO FORCE**

This Regulation will enter into force on the signing day.

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 **Adnan MEROVCI Date**

**Chairman of IMC**

**The Independent Media Commission**