

**REGULATION NO. 2001/13**  
UNMIK/REG/2001/13  
15 June 2001

## **ON THE ESTABLISHMENT OF RADIO TELEVISION KOSOVO**

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999 (UNSCR 1244),

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo and UNMIK Regulation No. 2000/36 of 17 June 2000 on the Licensing and Regulation of the Broadcast Media in Kosovo,

For the purpose of establishing Radio Television Kosovo as the public service broadcaster in Kosovo,

Hereby promulgates the following:

### **CHAPTER I: DEFINITIONS**

For the purposes of the present regulation, the following definitions shall apply:

- (a) “communities” shall mean communities of inhabitants belonging to the same ethnic, religious or linguistic group;
- (b) “resident of Kosovo” shall mean a person registered or eligible for inclusion in the register of the Central Civil Registry as a habitual resident of Kosovo pursuant to UNMIK Regulation No. 2000/13 of 17 March 2000 on the Central Civil Registry; and
- (c) “Temporary Media Commissioner” shall mean the Temporary Media Commissioner (hereinafter “the TMC”) as established in UNMIK Regulation No. 2000/36 on the Licensing and Regulation of the Broadcast Media in Kosovo. A reference to the TMC in the present regulation shall also include any successor to the TMC established by the Special Representative of the Secretary-General.

### **CHAPTER II: RADIO TELEVISION KOSOVO**

#### Section 1

#### **Establishment of Radio Television Kosovo as a Public Service Broadcaster**

1.1 Radio Television Kosovo (hereinafter “RTK”) is hereby established as a not for profit public service broadcasting organization.

1.2 RTK shall have legal personality, including the power to acquire, hold and dispose of property, and shall enjoy operational and administrative autonomy, except as specifically provided by the present regulation and the applicable law.

1.3 RTK shall be based in Pristina and provide a quality broadcasting service to the whole of Kosovo that reflects the guiding principles of public service broadcasting. The guiding principles require that RTK shall:

- (a) Be independent and impartial, reflecting editorial integrity and objectivity;
- (b) Include comprehensive, impartial and balanced news and current affairs programmes covering events both within and outside Kosovo;
- (c) Provide prime time news coverage, of which not less than 15% shall be in the language(s) of communities within Kosovo other than the language of the majority community;
- (d) Promote cultural development and reflect the cultural diversity of Kosovo;
- (e) Give a voice to all communities in Kosovo, including through the establishment of a programming services office to support such communities and through the dedication of not less than 15% of RTK's programming, including prime time news coverage, in the language(s) of communities other than the language of the majority community on television and on the combined broadcasts of the RTK radio frequencies;
- (f) Strike a balance between programming of wide appeal and specific programmes that serve the needs of different audiences;
- (g) Provide adequate coverage of the proceedings of key decision-making bodies;
- (h) Include programmes that are of interest to different regions in Kosovo;
- (i) Ensure the diffusion of important public announcements;
- (j) Provide a reasonable proportion of educational programmes and programmes oriented towards children;
- (k) Promote domestic programme production; and
- (l) Contribute to informed debate and critical thought.

1.4 RTK shall endeavour to obtain 20% of its total domestically produced broadcasting, not including news programmes, from independent producers in Kosovo.

1.5 RTK shall establish a broadcasting archive of domestically produced programmes that shall include but not be limited to:

- (a) Events of significance to Kosovo;
- (b) Programmes that significantly reflect the culture of Kosovo;
- (c) Programmes dealing with significant social issues;

- (d) Educational programmes; and
- (e) Other programmes deemed appropriate by the Director-General of Broadcasting Operations.

1.6 RTK shall hold a public meeting at least once per year to receive feedback from the community and to respond to issues raised by the community concerning its operations.

## **CHAPTER III: RTK STRUCTURE**

### Section 2

#### **Composition of RTK**

RTK shall be composed of two bodies: the Board of Directors (hereinafter “the RTK Board”); and Broadcasting Operations.

### Section 3

#### **Functions of the RTK Board**

3.1 The RTK Board shall appoint the Director-General of Broadcasting Operations (hereinafter “the Director-General”) and the Deputy Director-General of Broadcasting Operations (hereinafter “the Deputy Director-General”) in accordance with section 9 of the present regulation.

3.2 The RTK Board shall, following consultation with the Director-General and interested parties, determine the policies and procedures of RTK in accordance with the requirements set out in section 1.3 of the present regulation, principles and policies established by the TMC, and the general and specific conditions of its licenses as determined by the TMC.

3.3 The RTK Board shall, following consultation with the Director-General, prepare the annual budget of RTK for submission through the Central Fiscal Authority to the Special Representative of the Secretary-General for approval within the framework of the Kosovo Consolidated Budget. The budget shall provide for honoraria, reasonable expenses, adequate administrative support, reasonable capital expenditures, staffing, programming expenses, facilities, and other associated costs as required for both RTK bodies and shall be in accordance with normal budget procedures established by the Special Representative of the Secretary-General and the Central Fiscal Authority. The financial administration of RTK shall be subject to audit procedures established by the Special Representative of the Secretary-General.

3.4 The RTK Board shall, following consultations with the Director-General, prepare and present to the Kosovo Transitional Council and the Special Representative of the Secretary-General within two months of the end of each calendar year, an annual report, including details as to RTK’s financial situation, programme schedules, editorial policy and activities in the preceding year, including information on the fulfillment of RTK’s mandate as defined, *inter alia*, by the guiding principles of public service broadcasting set out in section 1.3 of the present regulation. The annual report shall also elaborate RTK’s objectives and projections for the coming year. The annual report shall be made available to the public.

## Section 4

### **Composition of the RTK Board**

4.1 The RTK Board shall be composed of nine members of whom three shall be international members and six shall be residents of Kosovo (hereinafter “resident members”).

4.2 Members of the RTK Board shall be appointed by the Special Representative of the Secretary-General, taking into account the recommendations of the Deputy Special Representative of the Secretary-General for Institution Building.

4.3 With respect to recommendations concerning the appointment of three of the resident members of the RTK Board, the Deputy Special Representative of the Secretary-General for Institution Building shall consider nominations submitted by the Senate of the University of Pristina, the Association of Journalists of Kosovo, and the Worker’s Union of RTK. With respect to recommendations concerning the appointment of the remaining three resident members of the RTK Board, the Deputy Special Representative of the Secretary-General for Institution Building shall consider nominations submitted by the NGO Assembly or other appropriate civil society institution. The Deputy Special Representative of the Secretary-General for Institution Building shall satisfy himself that all nomination procedures are open and transparent. The Deputy Special Representative of the Secretary-General for Institution Building, in consultation with the Interim Administrative Council, shall also ensure that recommendations to the Special Representative of the Secretary-General for the appointment of the resident members of the RTK Board reflect a cross-section of Kosovo’s civil and multi-ethnic society as well as the regions of Kosovo. At least two of the resident members of the RTK Board shall be women.

4.4 Candidates selected for appointment as members of the RTK Board shall possess expertise that enables them to contribute significantly to the functions of the RTK Board and shall, for the duration of their appointments, uphold the guiding principles of public service broadcasting set out in section 1.3 of the present regulation.

4.5 No person may become or remain a member of the RTK Board if he or she:

- (a) Is in active employment in the public service of Kosovo;
- (b) Holds elected public office;
- (c) Is a member of the executive body of a political party;
- (d) Has direct or indirect financial interests in the telecommunications or broadcasting industries; or
- (e) Has been convicted, after due process in accordance with internationally accepted standards, of a crime involving violence or dishonesty for which he or she has not been officially and lawfully pardoned.

## Section 5

### **Duration of RTK Board Appointments**

5.1 In the first series of appointments following establishment of the RTK Board:

- (a) Two international members shall be appointed for a term of one year;
- (b) One international member shall be appointed for a term of six months;
- (c) Three resident members shall be appointed for a term of two years; and
- (d) Three resident members shall be appointed for a term of one year.

5.2 Appointments made after the first series of appointments shall be one-year terms for international members and two-year terms for resident members.

5.3 RTK Board members may be reappointed for one or more additional terms by the Special Representative of the Secretary-General taking into account the recommendation of the Deputy Special Representative of the Secretary-General for Institution Building.

## Section 6

### **Removal from the RTK Board and the Conduct of Members**

6.1 Taking into account the recommendation of the Deputy Special Representative of the Secretary-General for Institution Building, the Special Representative of the Secretary-General may remove a member from the RTK Board where he or she considers that any of the grounds for removal set out in section 6.2 of the present regulation apply to the member.

6.2 Grounds for removal of an RTK Board member shall include:

(a) The member becomes ineligible for continued membership pursuant to section 4.5 above;

(b) The member fails to perform his or her duties effectively, or acts in a manner inconsistent with the present regulation or with the principles contained in UNSCR 1244; or

(c) The member fails, without valid excuse, to attend three consecutive meetings of the RTK Board.

6.3 Taking into account the recommendation of the Deputy Special Representative of the Secretary-General for Institution Building, the Special Representative of the Secretary-General shall appoint a new member to replace any member who has been removed from the RTK Board. The member so appointed shall serve for the remainder of the term of the member being replaced.

6.4 RTK Board members shall neither seek nor accept instruction in the performance of their duties from any authority, except as provided by law.

6.5 RTK Board members shall not use their appointment for personal benefit, or for the benefit of any party or entity other than the RTK.

## Section 7

### **Procedures of the RTK Board**

7.1 The Deputy Special Representative of the Secretary-General for Institution Building shall convene the first meeting of the RTK Board as soon as practicable after the first series of appointments have been completed.

7.2 At the first meeting, the RTK Board shall, by majority vote, elect its Chairperson and Vice-Chairperson from among the Board members.

7.3 The terms of the Chairperson and Vice-Chairperson shall be one year, and may be renewed by majority vote of the RTK Board.

7.4 The Director-General shall attend meetings of the RTK Board as a non-voting member.

7.5 The Chairperson shall convene meetings of the RTK Board once every month. At the discretion of the Chairperson or at the request of not less than four members, not including the Director-General, the Chairperson shall convene additional meetings as required.

7.6 The quorum for meetings of the RTK Board shall be five members, not including the Director-General.

7.7 The RTK Board shall determine its own rules of procedure as required to perform its functions in an open and transparent manner.

## Section 8

### **Functions of Broadcasting Operations**

8.1 Under the direction of the Director-General, Broadcasting Operations shall, within the framework of a budget established and approved in accordance with the present regulation and in accordance with the terms and conditions for broadcasting as specified by the TMC in RTK's licenses and other applicable instruments, implement all facets of the policies and procedures established by the RTK Board pursuant to section 3.2 of the present regulation.

8.2 Broadcasting Operations may make recommendations to the RTK Board regarding matters of policy, and matters relating to budget and administration.

8.3 Broadcasting Operations shall have the sole responsibility, within the framework of the present regulation and the policies established by the RTK Board, for all decisions and implementation relating to programming and programme transmission and for all aspects of programme development.

8.4 Broadcasting Operations shall recommend to the RTK Board, for its approval, a Code of Conduct for RTK.

8.5 Upon the approval by the RTK Board of a Code of Conduct for RTK, Broadcasting Operations shall determine and give effect to administrative procedures required for its implementation.

## Section 9

### **The Director-General**

9.1 The Director-General shall, in accordance with policies established by the RTK Board and the TMC, be responsible for all aspects of the management of Broadcasting Operations.

9.2 The Director-General shall be a person with extensive experience in broadcasting management. The Director-General shall be assisted by a Deputy Director-General who shall be a resident of Kosovo.

9.3 Upon the entry into force of the present regulation, the Deputy Special Representative of the Secretary-General for Institution Building shall appoint an acting Director-General to act in the position until 31 December 2001. The RTK Board shall appoint a new Director-General in accordance with the present regulation, with the appointment to take effect from 1 January 2002. The appointment may be renewed with the concurrence of not less than six members of the RTK Board including at least one international member. The term of appointment shall be two years.

9.4 As soon as practicable after the coming into force of the present regulation, the RTK Board shall appoint the Deputy Director-General. The appointment may be renewed with the concurrence of not less than six members of the RTK Board including at least one international member. The term of appointment shall be two years.

9.5 The Director-General and Deputy Director-General shall, for the duration of their appointments, uphold the guiding principles of public service broadcasting set out in section 1.3 of the present regulation.

9.6 No person may become or remain Director-General or Deputy Director-General if he or she:

- (a) Is in active employment in the public service of Kosovo;
- (b) Holds elected public office;
- (c) Is a member of the executive body of a political party;
- (d) Has direct or indirect financial interests in the telecommunications or broadcasting industries; or
- (e) Has been convicted, after due process in accordance with internationally accepted standards, of a crime involving violence or dishonesty for which he or she has not been officially and lawfully pardoned.

9.7 The RTK Board shall, upon the concurrence of not less than six members of the RTK Board including at least one international member, remove the Director-General or Deputy Director-General from office when:

- (a) The Director-General or Deputy Director-General becomes ineligible to continue to hold office pursuant to section 9.6 above; or

(b) The Director-General or Deputy Director-General fails to perform his or her duties effectively, or acts in a manner inconsistent with the present regulation or with the principles contained in UNSCR 1244.

9.8 Should the Director-General resign or be removed from office, the Deputy Special Representative of the Secretary-General for Institution Building shall appoint a person to act provisionally in the position until such time as the RTK Board, by a vote of not less than six members including at least one international member, elects a new Director-General; provided, however, that should the acting Director-General appointed pursuant to section 9.3 above resign or be removed from office, the Deputy Special Representative to the Secretary-General for Institution Building shall appoint a new acting Director-General to serve for the remainder of the former acting Director-General's term. Should the Deputy Director-General resign or be removed from office, the RTK Board shall appoint a senior staff member of Broadcasting Operations to act provisionally in the position until such time as the RTK Board, by a vote of not less than six members including at least one international member, elects a new Deputy Director-General.

## Section 10

### **Staff of Broadcasting Operations**

10.1 The Director-General shall, in accordance with the approved budget of the RTK, appoint staff as required to fulfil the responsibilities of Broadcasting Operations.

10.2 The Director-General and staff shall neither seek nor accept instruction in the performance of their duties from any authority other than the RTK Board or the TMC, except as provided by law.

10.3 The Director-General and staff shall not use their appointments for personal benefit, or for the benefit of any party or entity other than the RTK.

## **CHAPTER IV: FUNDING OF RTK**

### Section 11

#### **Sources of RTK Funding**

11.1 The annual budget for RTK, to be submitted for approval pursuant to section 3.3 of the present regulation, shall include clear estimates of the total revenue expected from all sources.

11.2 RTK shall obtain funding from the revenue generated by a public broadcasting fee. Details of the public broadcasting fee, including apportionment and allocation of the revenue generated by the fee, shall be set out in an administrative direction to be issued by the Special Representative of the Secretary-General.

11.3 RTK may also generate supplementary revenues within the guidelines and limits that shall be set out in a further regulation or administrative direction issued by the Special Representative of the Secretary-General.

11.4 In addition, the RTK Board may request an appropriation of funds from the Kosovo Consolidated Budget. Any such appropriation shall be subject to established Kosovo Consolidated Budget procedures.

## **CHAPTER V: IMPLEMENTATION**

### Section 12

#### **Implementation**

The Special Representative of the Secretary-General may issue administrative directions for the implementation of the present regulation.

### Section 13

#### **Applicable Law**

The present regulation shall supersede any provision in the applicable law which is inconsistent with it.

### Section 14

#### **Entry into Force**

The present regulation shall enter into force on 15 June 2001.

*Hans Haekkerup*  
*Special Representative of the Secretary-General*