



4. National summaries

4.1. Albania (AL)²⁸ (Country report A²⁹)

Disclaimer

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In addition, the analyses presented in this report cannot in any way be considered as representing the point of view of the members of the European Audiovisual Observatory or of the Council of Europe.

KEY FINDINGS

- The Albanian legislative framework fully transposes the 2010 Audiovisual Media Services (AVMS) Directive (2010/13/EU). The alignment with the AVMS Directive (as amended by the Directive (EU) 2018/1808) is part of the National Plan for European Integration (NPEI) 2022-2024, and was addressed during the first half of 2023. On 19 September 2022, the Albanian Government published a Draft Law on amendments to the “Law on Audio-Visual Media in the Republic of Albania” for consultation. A second revised Draft adding provisions on video-sharing platforms was published in December, with the consultation extended to 22 December 2022. The Draft Law was passed by Parliament on 13 April 2023 and announced by Decree no. 62 dated 4.5.2023, of the President of the Republic of Albania on 4 May 2023.

²⁸ The country report on Albania incorporates the feedback received from Ronelda Rrapollari, General Secretary/Director of Human Resources and Foreign Affairs of the Audiovisual Media Authority (AMA), during the checking round with the national regulatory authorities.

²⁹ Country report A outlines the findings of Questionnaire A in relation to Group I countries, which includes Albania.



- All of the general principles and key values are covered in the current national framework. Certain key principles were strengthened in the revised Law: the obligations in the area of accessibility for people with disabilities; and the obligations regarding transparency of media ownership.
- Regarding video-sharing platforms, a partial incorporation of the provisions of the Directive has been achieved with further detail expected in an additional Regulation of the national regulatory authority, the Audiovisual Media Authority (AMA). The law lacks any reference to the appropriate measures outlined in the Directive, for example.
- The national regulatory authority (NRA) – the Audiovisual Media Authority (AMA) – plays a particularly important role in the promotion of media literacy, media pluralism and media ownership transparency.
- The list³⁰ of countries participating in the Creative Europe Programme 2021 – 2027 was recently amended, in February 2024.

4.1.1. Introduction

In the context of this research, Albania is part of the Group I countries. Countries in this Group that fully participated in the 2014-2020 Programme may fully participate in the Programme's MEDIA strand and CROSS strand on a provisional basis if they can show that they have taken tangible steps to align their national law to the Audiovisual Media Services Directive 2010/13/EU, as amended by Directive (EU) 2018/1808 (hereinafter the AVMS Directive or AVMSD). In order to continue to participate in the Programme the Government had to ensure the fulfilment of the conditions set out in the AVMS Directive. The European Commission extended the deadline to 31 May 2023 for completion of alignment with the AVMS Directive. Following the Albanian application for EU membership in 2009, the country was awarded candidate status in 2014.

³⁰ https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/crea/guidance/list-3rd-country-participation_crea_en.pdf



4.1.1.1. Relevant framework: current status and developments

The table below outlines the national legislative framework related to the audiovisual media sector, including mainly those acts of most relevance to the issues addressed in this country report. It is important to note that this country report does not outline the national rules related to the entire AVMS Directive, but focuses rather on a selection of issues: definitions, jurisdiction, freedom of reception and retransmission, and a range of general principles and key values including freedom of expression, independence of the national regulatory authority (NRA), protection of minors, promotion of the rights of people with disabilities to access audiovisual content, the transparency of media ownership, and also provisions regarding European works, audiovisual commercial communications and video-sharing platforms (VSPs).

All relevant links appear in this first table, and thereafter will appear at the first mention of the law in subsequent tables.

Table 19. Legal framework

Title	Status	Relevance	Link
Law No. 8417 dated 22 November 1998 Constitution of the Republic of Albania/1998 (“The Constitution of the Republic of Albania”) <i>Ligji Nr. 8417 datë 22.11.1998 Kushtetuta e Republikës së Shqipërisë/1998 (Albanian)</i>	In force and amended	Regarding fundamental rights	In Albanian: http://qbz.gov.al/eli/ligj/1998/10/21/8417 In English: https://euralius.eu/index.php/en/library/albanian-legislation?task=download.send&id=178&catid=9&m=0
Law No. 97/2013 ‘On audiovisual media in the Republic of Albania’/2013, as amended on 10 March 2016; 27 July 2016; and 22 May 2017 (the “Media Law”) <i>Ligji Nr. 97/2013 ‘Për median audiovizive në Republikën e Shqipërisë’/2013 (Albanian)</i>	In force	Main law that regulates the audiovisual media in Albania	In Albanian: http://qbz.gov.al/eli/ligj/2013/03/04/97-2013 In English (unofficial) ³¹ : https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2020)007-e

³¹ This unofficial translated version is from the website of the Venice Commission. The dismissed draft amendments of 2019 are marked in red. Numbering of some articles may be different from the official version. Another English translation of this law is available on the website of the Audiovisual Media Authority: <http://ama.gov.al/wp-content/uploads/2021/06/LAW-NO-97-2013-ON-THE-AUDIOVISUAL-MEDIA-AUTHORITY.pdf>.



Title	Status	Relevance	Link
Law/ No. 30/2023 on some Amendments and Additions to Law No 97/2013 "On Audio-Visual Media in the Republic of Albania" as amended <i>Ligjnr. 30/2023 për disa ndryshime dhe shtesa në ligjin nr. 97/2013, "për mediataudiovizive në republikën e shqipërisë", të ndryshuar (Albanian)</i>	In force, May 4 2023	Amendments to the Law intended to align with the AVMS Directive	In Albanian: https://qbz.gov.al/eli/ligj/2023/04/13/30/f051e7ee-ef08-41f8-8b73-253e0947bae6;q=Ligji%20nr%2030%2F2023
Law No. 10221 dated 04 February 2010 "On protection from discrimination" <i>Ligji Nr. 10221 datë 04.02.2010 'Për mbrojtjen nga diskriminimi' (Albanian)</i>	In force and amended	Anti-discrimination law	In Albanian: https://qbz.gov.al/share/cXIYQipYT6arYEGv4luOvO In English: https://www.kmd.al/wp-content/uploads/2021/04/Law-on-Protection-from-Discrimination-Albania.-2020.pdf
Law No. 7895 dated 27 January 1995 'The Criminal Code of the Republic of Albania' (The Criminal Code) <i>Ligji Nr. 7895, datë 27.01.1995 'Kodi Penal i Republikës së Shqipërisë' (Albanian)</i>	In force and amended	Criminal code related to incitement to hatred, incitement to violence, discrimination	In Albanian: https://qbz.gov.al/preview/a2b117e6-69b2-4355-aa4978967c31bf4d In English: https://euralius.eu/index.php/en/library/albanian-legislation?task=download.send&id=11&catid=10&m=0
Law No. 18/2017 "On the rights and protection of children" <i>Ligji Nr. 18/2017 'Për të drejtat dhe mbrojtjen e fëmijës' (Albanian)</i>	In force	Rights of the child	In Albanian https://qbz.gov.al/eli/ligj/2017/02/23/18-2017/a7b5c582-78fa-4109-beca-a0c7b48a2c8c;q=18%2F2017 In English http://observator.org.al/wp-content/uploads/2017/06/Layout-A5-english_18May2017.pdf
Secondary legislation: bylaws, codes etc in force			
The Audiovisual Media Authority (AMA) Decision No. 152 dated 11 October 2019, the Regulation 'On procedures and criteria for the provision of on-demand audio and/or	In force	Rules on on-demand audiovisual media services (AVMS)	In Albanian http://ama.gov.al/wp-content/uploads/2019/10/Vendimi-nr.-152-dt.-11.10.2019-Regulloria-ofrim-sherbimi-sipas-kerkeses.pdf



Title	Status	Relevance	Link
audiovisual media services'/2019 <i>Vendimi Nr. 152 datë 11.10.2019 i Autoritetit të Mediave Audiovizive, Rregullorja 'Mbi Procedurat dhe kriteret për ofrimin e shërbimeve mediatike audio dhe/ose audiovizive sipas kërkesës së përdoruesit'/2019 (Albanian)</i>			
AMA's Regulation 'On Audio and/or audiovisual communications of commercial nature: forms, conditions and the allowed time of the day for their broadcast'/2018 <i>Rregullorja e AMA-s 'Për komunikimet audio dhe/ose audiovizive me natyrë tregtare: format, kushtet dhe koha ditore e lejuar për transmetimin e reklamave'/2018 (Albanian)</i>	In force	Audiovisual commercial communications	In Albanian http://ama.gov.al/wp-content/uploads/2021/02/42-v.-2018.pdf
AMA Studies and Analysis on hate speech dated 14 November 2018 <i>Gjuha e Urrejtjes në Mediat Audiovizive (Albanian)</i>	In force	Monitoring and assessment of hate speech	In Albanian http://ama.gov.al/wp-content/uploads/2019/09/HATE-SPEECH-1.pdf
AMA's Code of Broadcasting for Audiovisual Media, adopted by AMA's Decision No. 228 dated 11 December 2017 <i>Kodi i Transmetimit të AMA-s, adoptuar me vendimin Nr. 228 datë 11.12.2017 të AMA-s/2017 (Albanian)</i>		Broadcasting code	In Albanian http://ama.gov.al/wp-content/uploads/2018/05/Kodi-i-Transmetimit-për-Median-Audiovizive.pdf In English http://ama.gov.al/wp-content/uploads/2021/06/Broadcasting-Code-of-AMA.pdf

Source: Response of national expert of Albania to European Audiovisual Observatory standardised survey

The main document regulating audiovisual media (the Law on Audiovisual Media in the Republic of Albania- also known as the “Media Law”) was approved in 2013 and amended



three times, twice by law and once via a decision of the Albanian Constitutional Court, on 27 July 2016, regarding media ownership rules. In 2019, there was a further initiative to amend the Media Law, which was initially approved by the Parliament, but was vetoed by the President (by Presidential Decree) and therefore returned for further revisions. The 2019 draft amendments concerned what was called an “anti-defamation package” introduced by the Albanian Government. It would, *inter alia*, extend the competences of the Audiovisual Media Authority (the AMA) and of the Complaints Committee (the CC) of the AMA to online media and give the AMA new administrative powers in this field.

The European Commission for Democracy through Law (Venice Commission) published an Opinion on the amendments in July 2020.³² The Venice Commission acknowledged “the efforts of the Albanian authorities to be transparent, to respond to the criticism and to improve the text of the draft amendments.” However, it considered that the draft amendments were not ready for adoption in their current form, as the law was vague and would likely have a “chilling effect” suppressing free discussion and political speech online. Opinions provided by experts for the OSCE and for the Council of Europe also expressed concern regarding the proposed approach to regulating online news portals, which were the main subjects of the law.³³

The European Commission Report on Albania of 2021 stated that:

Following the unfavourable opinion of the Venice Commission and wide criticism on draft amendments to the media law aimed at regulating online media and some aspects of defamation, representatives from the ruling majority publicly committed to ensure that any new legislation on media would be in line with the Venice Commission recommendations and submitted to consultation with media organisations.³⁴ The government reconsidered the matter and the Assembly did not revert to the issue. The parliament and government resulting from the 25 April elections must uphold the commitment to ensure that any possible changes to the media law would be in line with the Venice Commission Opinion and submitted to proper consultations.

The European Commission Report of 2022 again stressed that:

Any changes to the Media Law need to be in line with the Venice Commission opinion and must be submitted for consultation with media organisations. It remains important to ensure that the media have direct and transparent access to governmental institutions and their activities. The regulatory performance of the Audio-visual Regulatory Authority (AMA)

³² Venice Commission Opinion No. 980/2020 (19.06.2020) <https://rm.coe.int/vc-opinion-albania-0620/16809ec9c9>.

³³ OSCE (2019): Legal Analysis on the Draft Laws on Changes and Amendments to the Law on Audiovisual Media in the Republic of Albania (Proposal of a Law on Media Services). Prepared by Dr. Joan Barata Mir for the Office of the OSCE Representative on Freedom of the Media- <https://www.osce.org/files/f/documents/4/3/425462.pdf>. JUFREX (2020): Technical Paper: European standards and case law references relevant to the draft amendments to the Law No. 97/2013 “Audiovisual Media in the Republic of Albania” Prepared for the Council of Europe by Ms Mirela Bogdani, Mr Paolo Cavaliere and Ms Deirdre Kevin.

³⁴ EC (2021): Commission Staff Working Document Albania 2021 Report https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021_en



*needs to be improved and the independence and resources of the public service broadcaster should be strengthened.*³⁵

The transposition of the 2018 AVMS Directive was scheduled in the National Plan for European Integration (NPEI) 2022-2024, with the aim to transpose the Directive by the end of 2022.³⁶ On 12 September 2022, the Albanian Government published a Draft Law No. / 2022 on amendments to the “Law on Audiovisual Media in the Republic of Albania” for consultation (until 15 December 2022). A further revised version of the Draft with some changes was published in December with the consultation period extended to 22 December 2022. The Draft Law was passed by Parliament on 13 April 2023 and announced by Decree no. 62 dated 4.5.2023, of the President of the Republic of Albania on 4 May 2023.

4.1.1.2. Definitions and alignment with the AVMS Directive

Below is an overview of the alignment of relevant current definitions with the AVMS Directive.

Table 20. Definitions

Definitions (Article 1 AVMSD)	In line with AVMSD	References
Audiovisual media service	Yes – aligned with the 2018 AVMSD.	Law on Audiovisual Media in the Republic of Albania (2013), as amended by Law No 30 / 2023 Article 3, paragraph 43
Video-sharing platform service (VSP)	Yes – aligned with the 2018 AVMSD.	New Article 3, paragraph 44/1
Programme	Yes - aligned with the 2018 AVMSD.	Law on Audiovisual Media (2013), as amended 2023 Article 3(26) ‘Television Programme’
User-generated video	Yes – aligned with the 2018 AVMSD.	New Article 3, paragraph 52/1
Editorial decision	Yes – aligned with the 2018 AVMSD.	Law on Audiovisual Media (2013), as amended 2023 New Article 3, paragraph 50/1
Editorial responsibility	Yes - aligned with the 2018 AVMSD.	As above, Article 3(22)
Media service provider	Yes - aligned with the 2018 AVMSD.	As above, Article 3(17)
VSP provider	Yes – aligned with the 2018 AVMSD.	New Article 3, paragraph 17/1

³⁵ EC (2022): Commission Staff Working Document Albania 2022 Report <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Albania%20Report%202022.pdf>

³⁶ Business meeting between regional regulators for the EU Directive and the 700 MHz Frequency Band (31/03/2022): <http://ama.gov.al/business-meeting-between-regional-regulators-for-the-eu-directive-and-the-700-mhz-frequency-band/?lang=en>



Definitions (Article 1 AVMSD)	In line with AVMSD	References
Television broadcasting or television broadcast	Yes – aligned with the 2018 AVMSD.	As above, Article 3(50)
Broadcaster	No	
On-demand audiovisual media service	Yes – aligned with the 2018 AVMSD.	As above, Article 3(42)
Audiovisual commercial communication (ACC)	Yes – aligned with the 2018 AVMSD.	Law on Audiovisual Media (2013), as amended 2023 Article 3(8)
Television advertising	Yes – aligned with the 2018 AVMSD.	As above, Article 3(35)
Surreptitious ACC	Yes – aligned with the 2018 AVMSD.	As above, Article 3(7)
Sponsorship	Yes – aligned with the 2018 AVMSD in the Law, with reference to user-generated video and VSPs	Law on Audiovisual Media (2013), as amended 2023 Article 3(37)
Teleshopping	Yes – aligned with the 2018 AVMSD	As above, Article 3(45)
Product placement	Yes – aligned with the 2018 AVMSD in the Law, with reference to user-generated video and VSPs	Law on Audiovisual Media (2013), as amended 2023 Article 3(51)
European works	Yes – aligned with the 2018 AVMSD	As above, Article 3(52)
Independent producer	The definition of independent producer is not standard – it does cover cross ownership between independent producers and broadcasters.	As above, Article 3(24)
Definition of harmful content (or equivalent such as violation of integrity, or violation of dignity)	The Albanian civil and criminal legislation mention the right to the protection of people’s integrity and dignity, but they do not provide definitions of these terms.	
Definition of incitement to hatred (or equivalent)	Yes – the Criminal Code provides a definition: It includes inciting hate or disputes on the grounds of race, ethnicity, religion or sexual orientation, as well as intentional preparation, dissemination or preservation for purposes of distributing writings with such content, by any means or forms. It provides for punishment of from two to ten years of imprisonment. *** The AMA “Guide on Hate Speech” provides several definitions concerning hate speech, including from the Council of Europe Committee of Ministers’ Recommendation on Hate Speech. ³⁷	The Criminal Code, 1995 Article 265 *** AMA Guide on hate speech dated 14 November 2018, page 30 *** Law on Audiovisual Media (2013), as amended 2023 Article 32(4)

³⁷ The Council of Europe Committee of Ministers’ Recommendation on Hate Speech establishes that: “the term hate speech should be understood as a summary of all forms of expression that disseminate, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred, based on intolerance, including: intolerance expressed by aggressive nationalism or ethnocentrism, discrimination and hostility against minorities, migrants and people of migrant origin”.



Definitions (Article 1 AVMSD)	In line with AVMSD	References
	Hate speech includes all forms of expression that disseminate, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred, based on intolerance. *** The Law on Audiovisual media includes a prohibition on hate speech in audiovisual media services (Article 32/4).	

Source: Response of national expert of Albania to European Audiovisual Observatory standardised survey

From the table above, it is clear that the relevant definitions are now in line with the 2018 AVMS Directive following the amendments to the Law on Audiovisual Media passed by Parliament 13 April 2023.

The AMA Magazine No. 7 of 2020³⁸ discussed VSPs, and summarised the provisions of the amendments to the AVMS Directive but did not provide definitions. The AMA also noted that the Media Law is in line with the 2010 AVMS Directive, but needs to be updated to align with the 2018 AVMS Directive. As outlined above, a new Draft Law was published for consultation (September 2022) in order to align with the Directive. This was followed by an updated Draft Law in December 2022, that included some of the relevant provisions on VSPs, and was passed by Parliament in April 2023. The Criminal Code of the Republic of Albania and the AMA Guide on Hate Speech are important sources of prohibition regarding incitement to hatred.

4.1.1.3. Jurisdiction, and the principle of freedom of reception and retransmission

The national legislative framework, as can be seen below, aligns with the 2010 AVMS Directive in relation to the establishment of jurisdiction.

Table 21. Jurisdiction

Provisions related to jurisdiction	In line with AVMSD	References
Article 2 of the AVMSD regarding jurisdiction of audiovisual media service providers	Yes – closely aligned with the 2018 AVMSD.	Law on Audiovisual Media (2013), as amended 2023 Article 30
Article 2 (5a). Requirement that AVMS providers inform the competent national regulatory authorities or bodies about	Yes – aligned with the 2018 AVMSD.	As above, Article 30 (8)

³⁸ AMA's Magazine No. 7 of 2020: <http://ama.gov.al/wp-content/uploads/2020/07/Reviste-AMA-Nr.7.pdf> (page 25).



any changes that may affect the determination of jurisdiction		
Article 2 (5b). Requirement to maintain up to date list of the AVMS providers under national jurisdiction	Yes – aligned with the 2018 AVMSD.	As above, Article 30 (9)
Article 28a (paragraphs 1-5) Regarding the establishment of the jurisdiction of VSPs	Yes – closely aligned with the 2018 AVMSD.	As above, new Article 30/ 1
Article 28a (paragraph 6) Requirement to maintain an up-to-date list of the VSP providers established or deemed to be established on their territory	Yes – aligned with the 2018 AVMSD.	As above, new Article 30/ 1 (5)
Article 28a (7) regarding the role of the European Regulators Group for Audiovisual Media Services (ERGA) in providing opinion on jurisdiction	Article 19 (2d) makes a general reference to the cooperation of the AMA within the ERGA (as observer)	As above, new Article 19 (2d)

Source: Response of national expert of Albania to European Audiovisual Observatory standardised survey

The recent amendments to the Law No 97/2013 "On Audio-Visual Media in the Republic of Albania" include the requirement to inform the NRA regarding any changes related to jurisdiction and the requirement for the state to maintain an up-to-date list of audiovisual media services under its jurisdiction. The AMA currently maintains public lists of national or local audiovisual media service providers operating in Albania. The law does not mention the specific provision where there is disagreement regarding jurisdiction and respective roles of the European Commission and the European Regulators Group for Audiovisual Media Services (ERGA). Currently, Albania has Observer status only at ERGA, and a general reference is made to cooperation within the ERGA under the Law.

The latest amendments to the Law also include the provisions on the jurisdiction of VSPs. These provisions are slightly minimal as they do not include the case (Article 28a (4) where: there may be several subsidiary undertakings established in Albania and in a different Member State of the European Union, and whereby jurisdiction is based on the state where one of the subsidiary undertakings first began its activity, provided that it maintains a stable and effective link with the economy of that country.

The principle of freedom of reception and retransmission for audiovisual media services are examined below.

Table 22. Freedom of reception and retransmission – and derogations

AVMSD and the freedom of reception and retransmission	In line with AVMSD and European standards	References
Article 3 (1) – ensuring freedom of reception and retransmission	Yes - aligned with the 2010 AVMSD The law establishes the principle of freedom of reception and retransmission in its Article 5, ensuring the freedom of reception and retransmission from the member states of the European Union and from third European countries, parties	Law on Audiovisual Media (2013), as amended 2023 Article 5



	to the European Convention on Transfrontier Television (ECTT).	
Article 3(2) - derogations from the principle of freedom of reception and transmission	Not precisely aligned – no specific details on derogations from the principle of freedom of reception and retransmission. It provides that “...in special cases, [Albania] may restrict the freedom to broadcast these services only on the basis of [the ECTT] or this law.”	As above, Article 5

Source: Response of national expert of Albania to European Audiovisual Observatory standardised survey

The principle of freedom of reception and re-transmission is enshrined in the law. However, there are no details with regard to a system of derogations. While most of the grounds for derogation outlined in the AVMS Directive (protection of minors, incitement to violence or hatred) are included in the provisions of the Albanian law, they are not clearly identified in the context of grounds for derogation. Hence this aspect of the law would also require amendment to become aligned with the AVMS Directive.

4.1.2. General principles and key values promoted by the AVMS Directive

This section looks at a range of general principles relevant to the media sector, and key values promoted by the AVMS Directive. The table below provides an overview of some of the general principles that are not dealt with in more detail in later sections.

Table 23. General principles and key values

General principle/ key value	Relevant provision/ provisions	References
Principle of non-discrimination	<p>Yes - the Constitution prohibits discrimination on any grounds, affiliation or personal characteristic. ***</p> <p>The Media Law prohibits the broadcasting of programmes with content that incites hate on grounds of race, gender, religion, ethnic, national, and any other form of discrimination. ***</p> <p>Albania has a specific law “On protection from discrimination”, which regulates the implementation of, and compliance with, the principle of equality and non-discrimination (in relation to a broad range of grounds and personal characteristics) (Article 1).</p>	<p>Constitution of the Republic of Albania (1998) Article 18 ***</p> <p>Law on Audiovisual Media (2013), as amended 2023 Article 32(4) ***</p> <p>Law No. 10221 dated 04 February 2010 “On protection from discrimination” Article 1, and Article 8</p>



General principle/ key value	Relevant provision/ provisions	References
	<p>Under Article 8, the law specifically prohibits the publication of various advertisements and announcements if they present, openly or in an implied manner, a purpose to discriminate for the causes mentioned in Article 1 of this law.</p>	
<p>Prohibition of incitement to hatred and incitement to violence</p>	<p>Yes - AVMS providers should be guided by principles including the prohibition of broadcasting that incites or justifies violence. Article 4(2) (dh). A new Article 4 (1) (dh) was introduced that AVMS providers should guarantee the principles of gender equality and non-discrimination, prohibition of sexism in the media and gender representation in the audiovisual media, in accordance with the legislation in force. Also, AVMS providers cannot broadcast content that incites hatred on any grounds, or any other form of discrimination (Article 34(2)). Article 76(1) includes the same rule for on-demand services. *** The Albanian Criminal Code criminalises the incitement to hatred (on grounds of affiliation or personal characteristics). It also criminalises the preparation, dissemination, distribution of such content (Article 265). Endangering public peace by calling for national hatred against sections of the population, via insult, defamation or calls for use of violence against them is also a criminal act (Article 266). Inciting other people to retaliation or blood revenge is also a criminal act (Article 83/b). *** The Draft Law prohibits under Article 32 (4) audiovisual media services and video-sharing platforms from transmitting content that a) incite violence or hatred against a group of persons or a member of a group on the basis of: sex, race, colour, ethnicity or social origin, genetic characteristics, language, religion, belief, political opinion, nationality, membership of a national minority, property, birth,</p>	<p>Law on Audiovisual Media (2013), as amended 2023 Articles 4 (1) (dh), 4(2) (dh), 32(4), 76(1) *** Criminal Code (1995) Articles 265, 266, Article 83/b *** Law on Audiovisual Media (2013), as amended 2023 Article 32 (4)</p>



General principle/ key value	Relevant provision/ provisions	References
	disability, age or sexual orientation, as well as any other form of discrimination according to the legislation in force for protection against discrimination.	
Prohibition of criminal content: provocation to commit a terrorist offence; child pornography; racism and xenophobia, incitement to terrorism	<p>The Law on Audiovisual Media prohibits the broadcast of content that incites terrorist acts under 32 (4b).</p> <p>The new article 32/ 1 (4c) prohibits this content on VSPs - provocation to commit a terrorist offence; child pornography; racism and xenophobia, incitement to terrorism</p> <p>***</p> <p>The Criminal Code deals with terrorism, whereby incitement, public call, distribution of writing or propaganda, with the aim of supporting or committing terrorist acts are punishable by imprisonment for four to ten years (Article 117).</p> <p>Child pornography, including its production, distribution, broadcasting, use, or possession is punishable by three to ten years of imprisonment (Article 117).</p> <p>Under the Criminal Code, publicly disseminating content via computer systems with racist or xenophobic content is a criminal misdemeanour (Article 119/a). Public insult via a computer system, of a person for reasons of race, ethnicity etc., is punishable by a fine or imprisonment of up to two years (Article 119/b).</p>	<p>Law on Audiovisual Media (2013), as amended 2023 Article 32(4b) Article 32/ 1 (4c)</p> <p>***</p> <p>Criminal Code (1995) Articles 117, 119/a, 119/b</p>

Source: Response of national expert of Albania to European Audiovisual Observatory standardised survey

In summary, these first three principles: non-discrimination, prohibition of incitement to hatred and violence, and prohibition of criminal content are well enshrined in the legislative framework. The amendments to the Law on Audiovisual media included the prohibition for audiovisual media service providers to transmit content that incites violence or hatred, or that encourages terrorist acts, or constitutes other criminal content.



4.1.2.1. Freedom of expression, freedom of the media and prohibition of censorship

The table below indicates the relevant legal framework for the protection of the freedom of expression, which is enshrined in the Constitution of the Republic of Albania, included in the Media Law, and also protected in the Criminal Code.

Table 24. Freedom of expression

General principle/ key value	Relevant provision/ provisions	References
Freedom of expression/ freedom of the media/ prevention of censorship/ right to information	Article 22 of the Constitution of the Republic of Albania guarantees the protection of the freedom of expression and the freedom of the media. It prohibits prior censorship. The law may require authorisation to be granted for the operation of radio or television stations. Article 23 regulates the right to access to information.	Constitution of the Republic of Albania, 1998 Articles 22 and 23
Freedom of expression/ freedom of the media	According to the Media Law, AVMS providers are guided, <i>inter alia</i> , by the principle of guaranteeing the freedom of expression [Article 4(2)(a)] The NRA (the AMA) should make sure that it safeguards and supports the democratic values established in the Constitution, especially the freedom of expression and of media (Article 18(1)(b)). The same provision is repeated throughout this law when regulating the process of authorisation of audio and audiovisual programmes (Article 64), and the licensing of audiovisual programmes (Article 67)	Law on Audiovisual Media (2013), as amended 2023 Articles 4(2)(a), 18(1)(b), 64, 67
Freedom of expression	Impeding citizens from exercising their right to freedom of expression is a criminal act under the Criminal Code (Article 261)	Criminal Code, 1995 Article 261

Source: Response of national expert of Albania to European Audiovisual Observatory standardised survey

In summary, the principle of freedom of expression is enshrined in the legislative framework in Albania – indeed impeding citizens from exercising their right to freedom of expression is a criminal act under the Criminal Code. Regarding obstacles to the protection of freedom of expression or freedom of media, recent reports on the situation in Albania have highlighted some issues of concern.

Both the 2021 and 2022 European Commission Reports on Albania³⁹ assessed that Albania is moderately prepared in the area of freedom of expression. According to the

³⁹ EC (2021): Commission Staff Working Document Albania 2021 Report page 29.

EC (2022): Commission Staff Working Document Albania 2022 Report.



reports, the strong influence of politics and business over the media remains a key source of concern for freedom of expression in the country.

The US Department of State Human Rights Reports on Albania from 2020 and 2021⁴⁰ both concluded that the independent media were active and expressed a wide variety of views. However, they noted that there were efforts to exert direct and indirect political and economic pressure on the media, including by threats and violence against journalists who tried to investigate crime and corruption.

In its 2020 report on Internet governance in Albania and its role in Media Freedom⁴¹, the Balkan Investigative Reporting Network (BIRN), argued that the decrease [of media freedom in Albania at that time] can be attributed, among other trends, to the government's efforts to pass legislation that would empower an administrative body to censor the content of online media through draconian fines. This issue was resolved with the rejection of the proposed amendments (as discussed above in section 4.1). The report also emphasised increased defamation lawsuits towards journalists and media outlets, an increase in physical and verbal threats to journalists by people vested with political power and authority, increased self-censorship and smear campaigns, the lack of transparency of public institutions, and a high concentration of ownership in the media and advertising market.

In relation to online regulation and the potential for undermining freedom of expression, Albania represents a key example in this area. The proposed amendments in 2019 aimed to regulate online news portals, their comments sections and claims of insult and defamation. As discussed earlier, the 2019 draft amendments were not adopted. Local and international media organisations considered the draft law to be a tool of censorship.⁴²

The OSCE legal analysis of 2019⁴³ on the draft laws on changes and amendments to the law on audiovisual media in the Republic of Albania argued that, considering the size and characteristics of the electronic publications service providers who may become subject to the new legal provisions, the amount of the fines would be clearly excessive for almost all Albanian service providers. Therefore, these fines could in fact be seen as an indirect way to force the closure or create serious survival problems to such operators. It was therefore recommended that provisions on sanctions for administrative contraventions should include additional criteria in order to properly protect the principles of

⁴⁰ US Department of State 2020 Human Rights Report on Albania: <https://al.usembassy.gov/wp-content/uploads/sites/140/ALBANIA-2020-HUMAN-RIGHTS-REPORT.pdf>, page 9.

US Department of State 2021 Human Rights Report on Albania: https://www.state.gov/wp-content/uploads/2022/02/313615_ALBANIA-2021-HUMAN-RIGHTS-REPORT.pdf, page 11.

⁴¹ BIRN (2020): Internet Governance in Albania and its Role in Media Freedom: <https://birn.eu.com/wp-content/uploads/2020/08/Internet-Governance-1.pdf>, page 21.

⁴² Balkan Insight, 2019: Albania approves controversial Media Laws amidst protests: <https://balkaninsight.com/2019/12/18/albania-approves-controversial-media-laws-amidst-protests/>.

⁴³ OSCE (2019) Legal Analysis on the Draft Laws on Changes and Amendments to the Law on Audiovisual Media in the Republic of Albania (Proposal of a Law on Media Services) prepared by Dr. Joan Barata Mir for the Office of the OSCE Representative on Freedom of the Media: <https://www.osce.org/files/f/documents/4/3/425462.pdf>, page 17.



proportionality and necessity, as well as to guarantee that any sanction is adopted after proper consideration of the size and economic capacity of the media outlet in question.

The 2021 Monitoring Report of Media Freedom Rapid Response⁴⁴ claimed that the independence of the system for media regulation [in Albania] was threatened, while the establishment of a new government agency which would centralise control over public relations and government information raised further worries about the access of the media to information. This discussion is related to the establishment of the new Media and Information Agency.⁴⁵

Regarding this issue, the European Commission Report on Albania 2022 emphasised that:

It remains important to ensure direct and transparent media access to governmental institutions and their activities and to factual non-partisan public information. Some media organisations have encountered difficulties in accessing factual government information and have expressed concerns about the common practice of the authorities and political parties of providing pre-prepared written or audio-visual content. This notably stems from the need for all government public relations to be handled by the newly created Media and Information Agency.

It also noted that legislation on the Right to Information is being updated. Although defamation remains a criminal offence according to Article 120 of the Albanian Criminal Code, a positive development is that most of the recent case-law on alleged defamation have been civil damage compensation cases before the Albanian Civil Chambers of the Courts.

According to the 2022 Monitoring Report of Media Freedom Rapid Response, “overall, the environment for independent and watchdog journalism or media journalism remains challenging”.

4.1.2.2. The independence of national regulatory authorities in the media sector

The NRA is the Audiovisual Media Authority (AMA). Its remit includes the authorising and licensing of operators, their supervision, managing the radio frequency spectrum, and monitoring and reporting on audiovisual media content.

The AMA develops regulations and codes, and strategic plans for the development of the audiovisual sector. The AMA is also responsible for implementing the media ownership provisions related to audiovisual media in the media law.

⁴⁴ 2021 Monitoring Report of Media Freedom Rapid Response:
https://www.mapmf.org/uploads/MFRR-Monitoring-Report_2021.pdf, page 19.

⁴⁵ Established by the Decision of the Council of Ministers (DCM) No. 512 dated 18.09.2021, “On the creation, organisation and functioning of the Media and Information Agency”:
<https://qbz.gov.al/eli/vendim/2021/09/18/512/f0d0e454-5caf-48ab-9a96-1d9f43293eba;q=vkm%20media>.



Table 25. Independence of National Regulatory Authority (NRA)

AVMSD and the independence of NRAs (Article 30)	In line with AVMSD	References
NRAs should be legally distinct from, and functionally independent of government	Yes – aligned with the 2018 AVMSD The Media Law stipulates under Article 6 that the AMA is a legal person, independent, with head office in Tirana.	Law on Audiovisual Media (2013), as amended 2023 Article 6
NRAs should exercise their powers impartially and transparently	Yes - aligned with the 2018 AVMSD Article 7 outlines a range of links (professional, political, family) which disqualify individuals from being members of the AMA. AMA members should declare: any interest or potential interest or connection with any subject licensed by the AMA, or likely to be licensed by the AMA. Where such an interest exists, they cannot take part in the discussion or decision-making of issues related to these interests. In addition, the AMA members must not be financially or politically influenced and must always act to accomplish or deepen the objective of the AMA. The Media Law stresses in several places that the AMA shall be led by the principle of transparency in its decision-making (Article 25, Article 54, Article 139, etc.).	As above, Article 7 Article 25, 54, 139
Clear definition of the competences and powers of the NRAs outlined in the law	Yes - aligned with the 2018 AVMSD Article 19 of the Media Law includes a long and detailed list of the main functions of AMA.	As above, Article 19
NRAs should have adequate financial and human resources and enforcement powers to carry out their functions, and have their own budgets	Yes – aligned with the 2018 AVMSD Article 24 outlines the financing resources, which are a mixture of licence, authorisation and administrative fees, and financing from the state budget (only when necessary for performing its functions, or special additional functions). There are no specific provisions ensuring financial and human resources are adequate to carry out the functions. Article 19(16) of the Media Law provides that AMA issues decisions on the implementation of its functions and this law. Furthermore, Article 23 outlines the enforcement powers of the AMA.	As above, Article 24 Article 19(16) Article 23
Clear conditions and (transparent and non-discriminatory) procedures for the appointment and	Yes - aligned with the 2018 AVMSD The Media Law regulates the appointment (Article 10) and the dismissal (Article 12) of the head of the AMA. The candidates for the head of AMA have to fulfil specific conditions related to conflict of	As above, Articles 7, 8, 9, 10, 12



AVMSD and the independence of NRAs (Article 30)	In line with AVMSD	References
dismissal of the heads of NRAs/members of governing bodies laid out in the law	interest or other incompatibilities (Article 7) and should fulfil the criteria specified in the law regarding professional experience (Article 8) . The members of AMA are appointed by the Parliament for a five-year term, with the right of renewal only once. A range of organisations and civil society (NGOs) organisations (specified in Article 9) can propose candidates. A Parliamentary Committee proposes a final list of candidates. They are required to keep a political balance: three candidates supported by the majority in the Parliament and three supported by the opposition. The dismissal of the head or other members of the AMA is detailed in Article 12. The latter provides the cases where they can be dismissed: criminal conviction; long term illness; failure to perform duties; infringement of conflict of interest declaration; or when they do not have legal ability to act, or when they resign.	
Existence of effective and independent appeal mechanisms	Yes – aligned with the 2018 AVMSD Appeals regarding decisions are dealt with by the AMA Board. AMA decisions can also be appealed in Tirana First Instance Court.	As above, Article 20.
Provisions in the law that support cooperation between NRAs	Yes – aligned with the 2018 AVMSD Article 19(2)(d) supports the AMA in cooperating with similar authorities of other states. Also, the AMA will participate in international activities, related to the strategy and perspectives of development of audiovisual media, represent the Republic of Albania, and support the participation and cooperation of public and private entities with European and global organisations in the field of audiovisual media.	As above, Article 19 (2)(d) Article 19 (10)

Source: Response of national expert of Albania to European Audiovisual Observatory standardised survey

The table above indicates that the provisions regarding the independence of the NRA are covered in the national legislation.⁴⁶

However, the independence of the AMA – in particular with regard to the appointment of the Head of the AMA and also the Board members - was a topic of discussion

⁴⁶ See also on this issue, the Opinion of the European Commission for Democracy through Law (Venice Commission) on Albania, of 19 June 2020, <https://rm.coe.int/vc-opinion-albania-0620/16809ec9c9>.



for national and international organisations during the appointment of the new AMA head in July 2021. The concerns appear to be based (among others) on the out-going government pushing to appoint the new head before the elections. The EU Commission 2021 Report on Albania⁴⁷ stated that

Local and international media organisations and opposition have raised concerns over the appointment process as well as regarding the political impartiality of the newly elected head of the regulatory body. The new Parliament needs to fill these vacancies and make AMA fully operational. In doing so, it is important that the new appointments ensure the independence and legitimacy of the regulatory authority.

However, despite the recommendations made by the EU Delegation in Tirana to submit the appointment of the chair to the vote of the new Parliament in September 2021 and achieve the widest possible consensus and legitimacy,⁴⁸ the head of AMA was appointed by the Albanian Parliament in July 2021, on the last session of that legislature.

In the European Commission Report on Albania of 2022, the report noted that:

In February 2022, Parliament filled six vacancies out of the seven members of the audio-visual regulatory authority, thus making the authority fully operational. The independence of some AMA members has been questioned due to their political links.

The Venice Commission Opinion of 2020 emphasised that with regard to both the AMA and the Complaints Council:

It is necessary to ensure that those bodies have a pluralistic composition, enjoy sufficient independence from the political parties and big businesses, follow appropriate procedures and are professionally apt to perform new duties.⁴⁹

The Opinion also made several key points with regard to the independence of the AMA (summarised below):

- Including representatives on the Media Council of the media community and the civil society who are not directly affiliated with main political forces could be one step to enhancing independence and alleviating distrust;
- Clear eligibility criteria as regards the skills and experience needed for members of the Complaints Committee should be applied;
- The composition of the AMA and the Complaints Committee, which is selected by the AMA on the basis of the rules developed by the AMA, may raise legitimate concerns regarding the independence of those two bodies.

⁴⁷ EU Commission 2021 Report on Albania: https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021_en.

⁴⁸ Statement of the EU Delegation in Tirana: <https://twitter.com/EUinAlbania/status/1412667501536759808>.

⁴⁹ Opinion of the European Commission for Democracy through Law (Venice Commission) on Albania, of 19 June 2020, <https://rm.coe.int/vc-opinion-albania-0620/16809ec9c9>.



4.1.2.3. The protection of minors

In this section, the legislative framework for the protection of minors and the extent to which it aligns with the AVMS Directive is examined in relation to obligations on AVMS to protect minors from harmful content; with regard to protecting minors from harm in the context of audiovisual commercial communications; regarding prohibited/restricted advertising.

Table 26. Protection of minors

AVMSD and the protection of minors	In line with AVMSD	References
<p>Obligations to protect minors from harmful content, via watershed/scheduling, age verification tools or other technical measures</p>	<p>Yes- aligned with the 2018 AVMSD</p> <p>Article 32/1(1) requires audiovisual media service to protect minors from pornographic programmes via limited access devices and parental control.</p> <p>Content which can seriously impair the physical, mental or moral development of minors, should be transmitted in encrypted form to ensure it cannot be accessed by minors. Articles 32/1(1) and 76(4)</p> <p>***</p> <p>The specific law “On the rights and protection of children” in Article 17(7) re-emphasises that audiovisual broadcasters are responsible in the cases of the infringement of the rights of children during the broadcast of their programmes, in accordance with this law, as well as legislation in force for audiovisual media.</p> <p>***</p> <p>Under the Code of Broadcasting</p> <p>AVMS providers are not allowed to broadcast programs that could seriously impair the physical, mental, or moral development of children, in particular pornography or extreme and artificial violence (Article 5.30). The Code also requires audiovisual media service providers to schedule content appropriately and respect the watershed rules (the time limit is 22.00 - 06.00) (Article 5.34), and to include warning signs during the period 19.00 to 22.00, for programmes that can harm children (Article 5.44).</p>	<p>Law on Audiovisual Media (2013), as amended 2023 Article 32/1(1) Article 76 (4)</p> <p>***</p> <p>Law No. 18/2017 “On the rights and protection of children” Article 17 (7)</p> <p>***</p> <p>AMA’s Code of Broadcasting for Audiovisual Media, adopted by AMA’s Decision No. 228 dated 11 December 2017 Articles 5.30, 5.34, 5.44</p>



AVMSD and the protection of minors	In line with AVMSD	References
Prohibition of commercial use of personal data of minors collected when implementing these measures	Yes - aligned with the 2018 AVMSD in Law.	Law on Audiovisual Media (2013), as amended 2023 Article 32/1(2)
Informing viewers about potentially harmful content (content rating systems, visual or acoustic signals)	Yes – aligned with the 2018 AVMSD AVMS providers shall provide sufficient information on content that may harm the physical, mental or moral development of children. Such programmes must be preceded by an acoustic warning or identified by the presence of a visual symbol throughout their duration. ***	Law on Audiovisual Media (2013), as amended 2023 Article 32/1(3) Article 46(2)(dh) *** Code of Broadcasting, Article 5.44
Bans or prohibitions (or limitations) regarding certain products: cigarettes, tobacco products, and electronic cigarettes, alcoholic beverages etc. and provisions to effectively reduce the exposure of minors to ACCs for alcoholic beverages	Yes – aligned with the 2018 AVMSD The law prohibits all forms of ACCs for cigarettes and other tobacco-related products, including e-cigarettes and refills (Article 42 (4)). There are also rules regarding ACCs for alcoholic beverages, which should not be directed at children or minors (Article 42(5)). Article 43(7)(a) establishes that advertising and teleshopping on alcoholic beverages should not be addressed to minors, neither can it display minors consuming such beverages. Article 42 (8) states that the AMA shall draft and review Codes of Conduct that define standards and practices concerning inappropriate commercial communications for alcoholic beverages and in relation to inappropriate commercial communications that accompany or are included in children's programmes, for HFSS foods. *** The Code prohibits advertisements that depict children, or adults in the presence of children consuming alcohol, tobacco or other harmful substances (Article 5.26). Electronic cigarettes and refills not included.	Law on Audiovisual Media (2013), as amended 2023 Articles 42(4), 42(5), 42 (8), 43(7)(a) *** Code of Broadcasting, Article 5.26
Requirement that ACCs shall not cause physical, mental or moral detriment to minors	Yes – aligned with the 2018 AVMSD	Law on Audiovisual Media (2013), as amended 2023 Article 42 (7)
Effectively reduce the exposure of children to ACCs for such foods and beverages	Yes – aligned with the 2018 AVMSD Article 42 (8) states that the AMA shall draft and review Codes of Conduct that define standards and practices concerning inappropriate commercial	As above, Article 42(8). ***



AVMSD and the protection of minors	In line with AVMSD	References
containing fat, trans-fatty acids, salt or sodium and sugars (HFSS)	communications for alcoholic beverages and in relation to inappropriate commercial communications that accompany or are included in children's programmes, for HFSS foods. *** The Code of Broadcasting also prohibits ACCs for HFSS in children's programmes.	Code of Broadcasting, Article 5.22
Prohibiting of product placement in children's programmes	Yes - aligned with the 2018 AVMSD	Media Law (2013) Article 44(1) and (2)

Source: Response of national expert of Albania to European Audiovisual Observatory standardised survey

The national legislative framework is largely aligned with the 2018 AVMS Directive as regards the protection of minors in audiovisual media services. The Code of Broadcasting is an important policy in this area, and it also reflects the principles and standards established in the European Convention on Human Rights, United Nations' Convention on the Protection of Children's Rights as well as the core principles laid down in the AVMS Directive, and in the national law "On the rights and the protection of children". The amended Law ensured the addition of provisions regarding new products (e-cigarettes) and the requirement to protect children's data. In other respects, the provisions regarding high fat sugar and salt (HFSS) foods are relatively strong.

The NRA recently organised a conference "On protection of children in audiovisual media" calling for a regular and strict monitoring of the implementation of the provisions deriving from the Code of Broadcasting and strengthening of penalties for audiovisual media service providers that violate the provisions of this code as regards child protection.⁵⁰

Most of the press reports in Albania regarding the protection of minors in the media are concerned with the failure of audiovisual media service providers to anonymise the identity of minors when reporting cases of physical and/or sexual violence against minors.⁵¹ A growing concern remains children's access to the Internet, with very little regulation regarding the protection of minors. The EU Commission's 2021 Report on Albania addresses this issue, stating that "increasing evidence of risks of abuse and exploitation due to the use of the internet by children is of serious concern. One in 10 children reported at least one unwanted sexual experience through the internet".⁵² The dangers of social media for minors and youth are also frequent topics in the Albanian press.⁵³ The EC recommended in its 2022 report that the development of a Strategy on better internet for kids aimed, among

⁵⁰ AMA: <https://ama.gov.al/mbrojttja-e-femijeve-ne-mediat-audiovizive-ama-konference-nderkombetare-ne-tirane/>.

⁵¹ <https://www.medialook.al/3523/>.

⁵² EC (2021): Commission Staff Working Document Albania 2021 Report https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021_en, page 33.

⁵³ In the Gazeta Express: <https://www.gazetaexpress.com/edukimi-mediatik-i-domosdoshem-per-dilemat-sociale/>.



others, at facilitating a child-led process, as well as detecting and retorting child sexual abuse material online should be considered.⁵⁴

Regarding Media and Information Literacy (MIL), in 2019, the Albanian Institute of Media in collaboration with the AMA organised a Conference on “Children and Media Literacy”.⁵⁵ Key topics included children's rights and media education, international standards and practices with a focus on European standards and practices, and the issue of reporting on children in Albanian media, etc. The AMA also organised a workshop in 2020 entitled “Minors and Media Education Habits”⁵⁶ focusing on representation of children in the media, and the issue of social media platforms and bullying. A conclusion of the discussions was that MIL is to become part of the teacher training programmes in Albania. The recently amended Law on Audiovisual Media added a definition of “media literacy” and adds to the AMA Functions (Article 19), to promote and encourage public awareness, research and activities related to media literacy.

4.1.2.4. The promotion of the rights of people with disabilities to access audiovisual content

The 2018 AVMS Directive strengthens the obligations for audiovisual media services providers to provide accessible audiovisual media content. EU member states are now expected to ensure “without undue delay” that services are made “continuously and progressively more accessible”. The table below examines the legislative framework in Albania.

Table 27. Accessibility

AVMSD and accessibility of audiovisual media services	In line with AVMSD	References
Ensuring - without undue delay - that services provided by AVMS providers are made continuously and progressively more accessible	<p>Yes - aligned with the 2018 AVMSD</p> <p>A new Article 32/2 (1) requires the continuous and progressive provision of accessible content.</p> <p>The AMA can approve a regulation on special measures the broadcasters should undertake in programmes to guarantee the proper access for people with disabilities (Article 47(1)(c)). The public service broadcaster is obliged to provide as much accessibility as possible (Article 118(2)(a)).</p> <p>***</p> <p>The current Code of Broadcasting covers this issue but focuses on the representation of people with disabilities in broadcasting, and on raising awareness in the society and in various institutions concerning the responsibility towards persons with disabilities.</p>	<p>Law on Audiovisual Media (2013), as amended 2023</p> <p>Article 32/2 (1)</p> <p>Article 47(1)(c)</p> <p>Article 118(2)(a)</p> <p>***</p> <p>AMA's Code of Broadcasting for Audiovisual Media, adopted by AMA's Decision No. 228 dated 11 December 2017</p> <p>Section 6</p>

⁵⁴ <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Albania%20Report%202022.pdf>

⁵⁵ Children and Media Literacy conference: <http://ama.gov.al/6667/>.

⁵⁶ Minors and Media Education Habits: <http://ama.gov.al/tryeza-e-diskutimit-femijet-dhe-shprehite-e-edukimit-mediatik/>.



AVMSD and accessibility of audiovisual media services	In line with AVMSD	References
	The only obligation is that national audiovisual media service providers are obliged to use sign language in at least one of the news editions.	
AVMS should report on this to the NRAs. AVMS providers are encouraged to develop action plans in this area and should share these with the NRA	Yes - aligned with the 2018 AVMSD AVMS providers must draft action plans, and must periodically inform the AMA about measures taken.	Law on Audiovisual Media (2013), as amended 2023 Article 32/2 (2) Article 32/2 (3)
States should provide a public online point of contact for providing information and receiving complaints	Yes - aligned with the 2018 AVMSD AMA shall designate a contact point in its official website, easily accessible by persons with disabilities, for the provision of information and the receipt of complaints relating to the matters referred to in this article	As above, Article 32/2 (4)
Emergency information should be in accessible formats	Yes - aligned with the 2018 AVMSD	As above, Article 32/2 (5)

Source: Response of national expert of Albania to European Audiovisual Observatory standardised survey

The Albanian legislative framework, following the passing of amendments by Parliament to the Law on Audiovisual media (2013) in April 2023 is now aligned with the 2018 AVMS Directive regarding the provision of accessible content for people with disabilities. The Strategic Action Plan for 2021-2023 of the regulator indicates the intention to continue intensive communication with audiovisual media service providers that have a legal obligation to broadcast in sign language and the intention to find legal mechanisms for the operators to fulfil this obligation.⁵⁷

4.1.2.5. Transparency of media ownership and the promotion of media pluralism

The 2018 AVMS Directive emphasises (recital 15) that “Transparency of media ownership is directly linked to the freedom of expression, a cornerstone of democratic systems”. The AVMS Directive requires a minimum of public information about services (Article 5), and national lists of audiovisual media services (Article 2). The table below looks at the legislative framework in Albania regarding these provisions. As noted above, the AMA is also responsible for implementing the media ownership provisions in the media law, which is achieved mainly via the licensing system.

⁵⁷ Strategic Action-Plan for 2021-2023:
http://ama.gov.al/wp-content/uploads/2020/11/AMA_STRATEGJIA_20212023.pdf.

**Table 28. Transparency of media ownership**

AVMSD and transparency of media ownership	In line with AVMSD	Reference
Requirement for AVMS provider to provide publicly accessible information on the following: its name; the address at which it is established; its email address or website; the state having jurisdiction over it and the competent NRA	Yes - aligned with the 2018 AVMSD Article 32 (1) now includes the requirements that the data of the media service provider be public, including the e-mail or website, enabling to be contacted quickly and directly, and include the authority that supervises its activity.	Law on Audiovisual Media (2013), as amended 2023 Article 32 (1 c and ç)
Possibility to also require AVMS providers to make accessible information on their ownership structures	Yes - aligned with the 2018 AVMSD Article 32 (1/1) requires that audiovisual media services providers must publish information about their ownership structure, including the beneficiary owners, according to the provisions of the applicable legislation. *** In addition, the requirements of business registration ensures that most media outlets are in the public Albanian Business Register and this includes details about the ownership of media shareholders.	Law on Audiovisual Media (2013), as amended 2023 Article 32 (1/1) *** Law No. 9723 dated 03 May 2007 on business registration Article 61
Requirement for states to establish and maintain up-to-date lists of the national AVMS providers	Yes - aligned with the 2018 AVMSD	Law on Audiovisual Media (2013), as amended 2023 Article 30 (9)

Source: Response of national expert of Albania to European Audiovisual Observatory standardised survey

According to the Opinion from the Venice Commission on the 2019 draft amendments to the Albanian Media Law⁵⁸ while there are around 700 online media outlets in 2019 in Albania, only approximately 45 were identified with known owners, while the others were anonymous. The same report points to a lack of transparency on media ownership and funding sources, especially since the ownership restrictions for national broadcast media were lifted in 2016.⁵⁹ Both the 2021 and 2022 European Commission Reports on Albania⁶⁰ concluded that: “Albania should ensure that the legal requirements for transparency of media ownership and financing, and its limitations thereto, as well as requirements on public advertising, are aligned to international standards.”

The Media Ownership Monitor in Albania has estimated that there is a medium risk of hindering media ownership transparency in Albania, mostly due to the lack of specific and dedicated regulation in the national legal framework for the disclosure of media

⁵⁸ Venice Commission’s Opinion of 2019 Draft Amendments to Law No. 97/2013 On the Audiovisual Media Service: <https://rm.coe.int/vc-opinion-albania-0620/16809ec9c9>, page 6.

⁵⁹ Ibid.

⁶⁰ 2021 European Commission Report on Albania https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021_en, page 29. Also the 2022 report page 30: <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Albania%20Report%202022.pdf>.



ownership information, the difficulty of obtaining data on ownership of online media.⁶¹ In this regard, the Venice Commission Opinion also noted that:

During the exchanges with the rapporteurs, the opponents of the draft amendments (some MPs and media organisations) described media ownership in Albania as a „family affair“ and the market as concentrated in the hands of a few powerful families, especially since the ownership restrictions for national broadcast media were lifted in 2016.⁶²

Following the passing of amendments by Parliament to the Law on Audiovisual media (2013) in April 2023, the provisions regarding transparency of media ownership have been introduced as outlined in the table above.

With regard to the provisions in the Media Law regarding ownership,⁶³ the Association of Albanian Electronic Media managed to repeal some of the key media ownership rules at the Constitutional Court. This was, in particular, Article 62(3) of the law which limited individual control – no natural or legal, local or foreign person could hold more than 40% of the general capital of a joint stock company that holds a national radio or television licence. The Constitutional Court, in its decision No. 56 dated 27 July 2016, decided that Article 62(3) of the Media Law was unconstitutional and repealed it, arguing that “the means selected by the legislator to limit the ownership shares of companies operating in the field of media has no reasonable and proportionate relationship with the legislator’s legitimate intention for the diversity of information”.⁶⁴

The implementation of media pluralism (media ownership rules) under Article 62 of the Media Law, is the responsibility of the AMA. In its Strategic Action Plan for 2021-2023, the AMA emphasises the need for protection of pluralism through strengthening the supervision and regulation of broadcasting services, agreements on licencing of audiovisual media service providers, as well as, in particular, addressing issues of ownership and control of the media.⁶⁵

4.1.3. Promotion of European works

One of the key aims of the AVMS Directive is the promotion of European works. The table below outlines the national framework and assesses alignment with the 2018 AVMS Directive.

⁶¹ Media Ownership Monitor in Albania:

<https://albania.mom-rsf.org/en/findings/findings/#!6bd3d5b33331729e5ff3884482ab363b>.

⁶² Venice Commission Opinion on Draft Amendments to Law No. 97/2013 On the Audiovisual Media Service <https://rm.coe.int/vc-opinion-albania-0620/16809ec9c9>, page 6.

⁶³ For more information see: Article 62 of Law No. 97/2013 ‘On audiovisual media in the Republic of Albania’, Source: <http://qbz.gov.al/eli/liqj/2013/03/04/97-2013>.

⁶⁴ Constitutional Court, decision No. 56 dated 27.07.2016:

https://www.gjk.gov.al/include_php/previewdoc.php?id_kerkesa_vendimi=2242&nr_vendim=1 , page 18.

⁶⁵ Strategic Action Plan for 2021-2023:

http://ama.gov.al/wp-content/uploads/2020/11/AMA_STRATEGJIA_20212023.pdf, page 7.



Table 29. Promotion of European works on linear services

AVMSD and the promotion of European works (linear services) (Articles 16 and 17)	In line with AVMSD	References
The use of majority quota obligations (for example more than 50% of content) to promote European works	Yes – aligned with the 2018 AVMSD Audiovisual media service providers should reserve most of their airtime for European works. This is a progressive obligation (Article 35).	Law on Audiovisual Media (2013), as amended 2023 Article 35
Exceptions to this rule	Yes – aligned with the 2018 AVMSD regarding the usual programming exceptions (Article 35(3)). And local media is also exempt (Article 36(3)).	As above, Articles 35(3) and 36(3)
Rules where a minimum percentage of content (for example 10%) of content broadcast (or of programme budgets) should be European works created by producers who are independent of broadcasters	Yes - aligned with the 2018 AVMSD Audiovisual media service providers reserve at least 10% of the airtime, or 10% of the programme budget for European works created by independent producers (Article 36).	As above, Article 36

Source: Response of national expert of Albania to European Audiovisual Observatory standardised survey

From above it is clear that the Albanian Media Law is aligned with the AVMS Directive in relation to linear audiovisual media services. The service providers reach the required percentages progressively: taking into account the informational, educational, cultural and entertainment responsibilities they have towards the public.

Table 30. Promotion of European Works on on-demand audiovisual media services

AVMSD and the promotion of European works (on-demand) (Article 13)	In line with AVMSD	References
Requirement that providers of on-demand AVMS secure at least a 30% share of European works in their catalogues and ensure prominence of those works	Yes - aligned with the 2018 AVMSD The proportion is raised from 20% to 30% of European works on on-demand AVMS. *** As an explanation of the above - Article 10 of the AMA decision on provision of on-demand services also addressed the obligation for the promotion of European works from 2019, with a requirement of at least 20% of European works.	Law on Audiovisual Media (2013), as amended 2023 Article 77(1) *** AMA decision No. 152 dated 11 October 2019, the “Regulation on procedures and criteria for the provision of on-demand audio/audiovisual media services”



AVMSD and the promotion of European works (on-demand) (Article 13)	In line with AVMSD	References
Exemptions for AVMS providers with a low turnover or a low audience?	No, the law does not include these exemptions	
Reference to European Commission guidelines regarding a) the calculation of the share of European works, and b) the definitions of low audience and low turnover of services?	No	
Inclusion of any financial contribution obligations for services targeting the country?	No – this possibility of financial contribution so far applies only to national on-demand services.	As above, Article 77 (2)

Source: Response of national expert of Albania to European Audiovisual Observatory standardised survey

The national legislation was closely previously aligned with the 2018 AVMS Directive, as a Decision of the AMA from 2019 introduced a requirement for on-demand audiovisual media service providers to include at least 20% of European works in their catalogues. The promotion of European works is also emphasised in the requirements in the licensing policy of the AMA.⁶⁶ Following the passing of amendments by Parliament to the Law on Audiovisual media (2013) in April 2023 the provisions on European works are now aligned with the 2018 AVMS Directive. Possible exemptions are lacking but there may be a plan to formulate these in a future regulation of the NRA.

4.1.4. Rules on audiovisual commercial communications

This section looks at the rules on audiovisual commercial communications (ACC) and their alignment with the AVMS Directive in terms of identification, content, placement, volume etc. It also addresses rules regarding prohibited ACC in relation to certain goods and services.

⁶⁶ AMA's Regulation 'On licensing of numerical networks and their programmes through the Beauty Contest Procedure'/2020/ Rregullorja e AMA-s 'Për licencimin e rrjeteve numerike dhe programeve te tyre, nëpërmjet procedurës së beauty Contest'/2020 <http://ama.gov.al/wp-content/uploads/2020/11/Rregullore-per-licensimin-e-rrjeteve-numerike-dhe-programeve-te-tyre-nepermjet-procedures-se-Beauty-Contest.pdf>.



Table 31. Audiovisual Commercial Communications (ACCs)

AVMSD and ACCs (Articles 9,10,11 and 23)	In line with AVMSD	References
ACC should be recognisable. Surreptitious ACC shall be prohibited and ACC shall not use subliminal techniques	Yes - aligned with the 2018 AVMSD	Law on Audiovisual Media (2013), as amended 2023 Articles 42(1) and (2)
ACC shall not prejudice respect for human dignity; promote discrimination; encourage behaviour prejudicial to health or safety; or encourage behaviour grossly prejudicial to protection of the environment	Yes – aligned with the 2018 AVMSD in both the Law and the AMA Code of Broadcasting	As above, Article 42(3) *** AMA’s Code of Broadcasting for Audiovisual Media, Article 7.3
ACC for the prescription of medicinal products and medical treatment shall be prohibited	Yes – aligned with the 2018 AVMSD in both the Law and the AMA Code of Broadcasting	Law on Audiovisual Media (2013), as amended 2023 Articles 42(1) and (2) Article 42(6) *** AMA Code of Broadcasting Article 7.5 and 7.6
Rules on sponsorship – types of programmes where prohibited – and types of goods and services that cannot sponsor	Yes – aligned with the 2018 AVMSD - regarding programmes that cannot be sponsored. Prohibits sponsorship by companies, whose main activity is the production or marketing of cigarettes or other tobacco products, including electronic cigarettes and refill containers	Law on Audiovisual Media (2013), as amended 2023 Articles 45 (2), (4) and (5)
No product placement (PP) in news, current affairs, consumer affairs, religious, children’s programmes	Yes – aligned with the 2018 AVMSD Product placement is permitted in programming with the exception of news, current issues, consumer issues, with religious nature and children’s programmes. Also, Article 44 (5a) bans product placement of tobacco products.. *** The current AMA Regulation prohibits PP in informative sessions (presumably news or current affairs).	Law on Audiovisual Media (2013), as amended 2023 Article 44 (1) Article 44 (5a) *** AMA’s regulation “On Audio and/or audiovisual communications of commercial nature: forms, conditions and the allowed time of the day for their broadcast” Article 15



AVMSD and ACCs (Articles 9,10,11 and 23)	In line with AVMSD	References
PP should not affect the responsibility and editorial independence of the audiovisual media service provider; directly encourage purchase or rental of the product; give undue prominence to the product	Yes - aligned with the 2018 AVMSD.	Law on Audiovisual Media (2013), as amended 2023 Article 44(3)(a)(b) and (c)
Viewers shall be clearly informed of the existence of product placement in a programme	Yes – aligned with the 2018 AVMSD	As above, Article 44(4)
Are there rules limiting the proportion of television advertising spots and teleshopping spots: throughout the day; or during particular time periods?	Yes – aligned with the 2018 AVMSD The duration of advertising should not exceed 20% of the time-slot from 06:00 to 18:00 and should not exceed 20% of the time-slot from 18:00 to 24:00 (Article 41(1)). Certain programming (films and programmes) may be interrupted by advertisements or direct sales not more often than every 30 minutes (Article 43(3)). Children’s programming may be interrupted by advertisements not more often than every 30 minutes (Article 43(4). A new paragraph states that the insertion of direct sales during children’s programs is prohibited (Article 43(4/ 1). Article 38(2)(b) provides that “extended advertising should not be broadcast from 19.00 to 23.00.”	Law on Audiovisual Media (2013), as amended 2023 Article 41(1) Article 43(3), Article 43(4), Article 43(4/ 1), Article 38(2)(b)
Are there exceptions to these rules, for example for self-promotion, sponsorship, product placement?	Yes – aligned with the 2018 AVMSD	As above, Article 41(1/1)

Source: Response of national expert of Albania to European Audiovisual Observatory standardised survey

The Albanian legislative framework covering ACCs is aligned with the provisions of the 2018 AVMS Directive, since the adoption in May 2023 of the Law amending the Law on Audiovisual Media. Article 42 (regarding identification of ACCs and content issues) is applied directly to VSPs, but these issues are discussed in more detail under section 4.1.5. (below).



4.1.5. Provisions applicable to video-sharing platforms – VSPs

The Albanian legislation includes general principles addressing the protection of minors from harmful content, the prohibition of communications that incite violence or hatred, the prohibition of child pornography, racism and xenophobia (as detailed above). The Albanian Criminal Code partly addresses these issues, stipulating that “providing to the public or intentional distribution to the public, through computer systems, of materials with racist or xenophobic content constitutes a criminal offense and is punishable by a fine or up to two years of imprisonment” (Article 119/a) and “intentional public insult, through a computer system, to a person, due to ethnicity, nationality, race or religion, constitutes a criminal offense and is punishable by a fine or up to two years of imprisonment” (Article 119/b).

The amendments adopted by Parliament in April 2023 introduced a new Article 30/1 with the provisions on the criteria for establishment of the jurisdiction of VSPs. Some provisions on audiovisual commercial communications are included in the Law. The appropriate measures detailed in the Directive are not included in the Law but are intended to be elaborated in a secondary Act of the AMA.

Table 32. Obligations on video-sharing platforms regarding content

The AVMSD and provisions on VSPs 28b	In line with the AVMSD	References
Protecting minors from harmful content in programmes, user-generated videos and ACCs; protecting the general public from programmes, user-generated videos and ACCs containing incitement to violence or hatred as well as from criminal content – provocation to commit a terrorist offence; child pornography; racism and xenophobia.	<p>Yes – closely aligned with the 2018 AVMSD.</p> <p>Details on measures to be taken are not included in the law.</p> <p>Article 32 is applied to video-sharing platform providers. Article 32 (4) states that AVMS providers and VSP providers must not broadcast content that incites violence or hatred. Or content that encourages terrorist acts.</p> <p>A new Article 32/1 is introduced stating that without prejudice to the provisions of articles 15-20 of the law “On electronic commerce”, the video sharing platforms providers shall take necessary measures for: the protection of children from programs, user-generated videos and commercial communications that may</p>	<p>Law on Audiovisual Media (2013), as amended 2023</p> <p>Article 32 (4)</p> <p>Article 32/ 1 (4)</p>



	<p>harm their mental, physical or moral development;</p> <p>the protection of the general public from programs, user-generated videos and audiovisual commercial communications with content that incites violence or hatred against a group of persons or members of a group;</p> <p>the protection of the general public from content that constitutes a criminal offense in connection with child pornography, racism or xenophobia.</p> <p>The specific provisions of Article 32/1 (paras 1 and 2 and 3) are addressed only to audio visual media service providers. However, a new paragraph under Article 32 (para 4/1) states that “based on the principles defined in Article 4 of this law, European best practices, as well as after a public consultation process, AMA determines by regulation the special requirements that video distribution platform providers must fulfil for the creation and operation of the transparent effective and user-friendly systems, in implementation of obligations according to point 4 of this article and point 4 of article 32/1 of this law”.</p> <p>This does not specifically link to Article 32/1, point 1 requiring control measures, or point 2 regarding the collection of the data of minors, or point 3 which obliges AVMS providers to provide sufficient information on content that may harm the physical, mental or moral development of children.</p>	
VSP providers need to comply with the obligations (Article 9(1)) for ACCs they control	Yes, closely aligned with the with the 2018 AVMSD.	As above Article 42 (9)



(market, sell or arrange), and those controlled and uploaded by others.	Details on measures to be taken are not included in the law. No distinction is made between ACCs they control and those controlled and uploaded by others. Under Article 42 of the Law which addresses the content of advertising, a new paragraph has been added – para 9 - which states that “The obligations defined in this article, also apply in cases of communications of a commercial nature in programs and user-generated videos on video sharing platforms”	
VSPs should clearly inform users where programmes and user-generated videos contain ACC.	Yes, closely aligned with the with the 2018 AVMSD. Details on measures to be taken are not included in the law. Article 42 - ACCs should be recognisable	As above, Article 42 (1 and 2)
VSP should reduce the exposure of children to ACCs for foods and beverages containing fat, trans-fatty acids, salt or sodium and sugars (HFSS).	Yes, aligned with the with the 2018 AVMSD.	As above, Article 42(8)

Source: Response of national expert of Albania to European Audiovisual Observatory standardised survey

From the table above, it can be seen that some of the rules on the protection of minors for audiovisual media services have been directly applied to video-sharing platforms (by including them under Article 32/1). Article 32/1 (4) refers to the protection of minors and states that video sharing platforms providers shall take necessary measures for the protection of children from programs, user-generated videos and commercial communications that may harm their mental, physical, or moral development. This does not specifically link to Article 32/1, point 1 requiring control measures, or point 2 regarding the collection of the data of minors, or point 3 which obliges AVMS providers to provide sufficient information on content that may harm the physical, mental or moral development of children.

The rules regarding the protection of the general public from certain prohibited content (incitement to hatred or violence, incitement to acts of terrorism) outlined under Article 32 (4) (general rules) now also apply to video-sharing platforms as they have been included in the title of the Article. A new Article 32/1 is introduced that directly incorporates Article 28b (1).

The AMA is tasked with promoting public awareness, research and activities related to media education including public awareness regarding “Video-sharing platform providers” (Article 19 (2 ë)). However, obligations for VSPs to provide media literacy



measures and tools and raise users' awareness of those measures and tools are not mentioned.

The Law does not mention the range of appropriate measures detailed in the AVMS Directive, such as: including the obligations of VSPs regarding content in the Terms and Conditions for users of the platforms; reporting or flagging systems to report harmful content to the VSP provider; or content rating systems for users; or procedures for complaints to the VSP. It is possible that the intention is to detail these mechanisms in secondary Acts of the AMA (see further below).

With the introduction of a new paragraph under Article 42 (paragraph 9), the Law directly links the VSP services to the general obligations regarding identification of, and content of, ACCs. However, it does not distinguish between ACCs that they control (market, sell or arrange), and those controlled and uploaded by others.

The new Law does not include the stated measures in the AVMS Directive to address such obligations: including the obligations of VSPs regarding ACCs in the Terms and Conditions for users of the platforms; providing a functionality for users uploading content to declare the existence of ACCs in the user-generated content.

The Law also makes no reference to the provision of an out-of-court redress system. Hence, there has been a partial incorporation of the provisions applicable to video-sharing platforms in the recently amended law. The content obligations are clearly spelled out, but the methods of achieving the obligations are not. However, Article 32 (para 4/1) states that “based on the principles defined in Article 4 of this law, European best practices, as well as after a public consultation process, AMA determines by regulation the requirements for video-sharing platform providers in relation to these General rules”.

4.1.6. Concluding remarks and summary of findings

The Albanian legislative framework is now closely aligned with the 2010 AVMS Directive as amended by the 2018 AVMS Directive following the adoption by parliament of the Amendments to Law No 97/2013 "On Audio-Visual Media in the Republic of Albania" in April 2023.

The current legislation is well aligned as regards protection of minors, rules on audiovisual commercial communications and the promotion of European works.

The amendments to the Law have introduced some provisions on VSPs regarding the protection of minors, and certain illegal content, and also regarding audiovisual commercial communications. As noted above, much of the detail on the Directive is not included – particularly regarding appropriate measures – and further regulation by the AMA will be needed.

Regarding the general principles of non-discrimination, prohibition of incitement to hatred and violence, and prohibition of criminal content, these are well enshrined in the legislative framework – particularly in the Criminal Code, and now also in the recently



amended Law on Audiovisual Media. The amended law also strengthened obligations in the area of accessibility and transparency of media ownership.

Aside from the issues concerning the so called “anti-defamation package” (see below), concerns regarding freedom of expression have focused on the establishment of a Government Media and Information Agency intended among other things to manage communication with the media and public relations. The Balkan Investigative Reporting Network (BIRN) have also highlighted issues such as increased defamation lawsuits towards journalists and media outlets, an increase in physical and verbal threats to journalists, increased self-censorship and smear campaigns, the lack of transparency of public institutions, and a high concentration of ownership in the media and advertising market.

The provisions of the revised Directive regarding Independence of the NRA are covered in the national legislation. However, there has been concern regarding the independence of the AMA – in particular with regard to the appointment of the head of the AMA and also the board members.

By the Decision of the Council of Ministers, no. 91, dated 9 February 2022, “For the approval of the National European Integration Plan 2022-2024”, the partial transposition of the Directive is part of the National Plan for European Integration (NPEI) 2022-2024, and was to be addressed by the end of 2022. In June 2022, the Ministry of Infrastructure and Energy initiated the procedure to adopt a draft law “On some additions and changes to the law no. 97/2013 ‘On audiovisual media in the Republic of Albania’”.

The draft law was sent for consultations to the ministries (Ministry of Justice, Ministry for Europe and Foreign Affairs, Ministry of Finances and Economy, Ministry of Culture, Ministry of Health and Social Protection). By September 2022, formal opinions had been received from all ministries and work was done together with the Audiovisual Media Authority to reflect their suggestions. On 12 September 2022, the Albanian Government published a Draft Law No. / 2022 on amendments to the “Law on Audiovisual Media in the Republic of Albania” for consultation (until 15 December).

Further amendments were introduced in December – mainly covering provisions on video-sharing platforms – and the deadline for consultation extended to 22 December 2022. The Draft Law was passed by Parliament on 13 April 2023 and announced by Decree no. 62 dated 4.5.2023, of the President of the Republic of Albania on 4 May 2023.



4.1.7. The list⁶⁷ of countries participating in the Creative Europe Programme 2021 – 2027 was recently amended, in February 2024. List of relevant documents, reports, opinions etc.

Table 33. Relevant documents, reports, opinions

Title	Main topics/ themes	Link if available
EC (2022) Commission Staff Working Document Albania 2022 Report	EC report on Albania's progress as candidate for membership	In English https://neighbourhood-enlargement.ec.europa.eu/albania-report-2022_en
EC (2021): Commission Staff Working Document Albania 2021 Report	EC report on Albania's progress as candidate for membership	In English: https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021_en
2021 Monitoring Report of Media Freedom Rapid Response	Media freedom, freedom of journalists	In English: https://www.mapmf.org/uploads/MFRR-Monitoring-Report_2021_en_page_19
US Department of State 2021 Albania Human Rights Report	Human rights	In English: https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/albania_page_11
(BIRN) 2020: Internet governance in Albania and its role in Media Freedom., From the Balkan Investigative Reporting Network	Internet governance, media freedom	In English: https://birn.eu.com/wp-content/uploads/2020/08/Internet-Governance-1.pdf
US Department of State 2020 Human Rights Report on Albania	Human rights	In English: https://al.usembassy.gov/wp-content/uploads/sites/140/ALBANIA-2020-HUMAN-RIGHTS-REPORT.pdf
JUFREX (2020): Technical Paper: European standards and case law references relevant to the	Legal analysis of law – regarding alignment with Venice	N/A

⁶⁷ https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/crea/guidance/list-3rd-country-participation_crea_en.pdf



Title	Main topics/ themes	Link if available
draft amendments to the Law No. 97/2013 “Audiovisual Media in the Republic of Albania” Prepared for the Council of Europe by Ms Mirela Bogdani, Mr Paolo Cavaliere and Ms Deirdre Kevin	Commission Opinion and with European Standards	
Opinion on draft amendments to the Law n°97/2013 on the Audiovisual Media Service, adopted by the Venice Commission on 19 June	Legal analysis of law – intending to regulate online news portals/ online publications	<u>In English:</u> https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2020)013-e
OSCE (2019): Legal Analysis on the Draft Laws on Changes and Amendments to the Law on Audiovisual Media in the Republic of Albania (Proposal of a Law on Media Services). Prepared by Dr. Joan Barata Mir for the Office of the OSCE Representative on Freedom of the Media	Legal analysis of law – intending to regulate online news portals/ online publications	<u>In English:</u> https://www.osce.org/files/f/documents/4/3/425462.pdf
Media Ownership Monitor in Albania	Media ownership	http://albania.mom-gmr.org/en/findings/findings/_!6bd3d5b33331729e5ff3884482ab363b

Source: Response of national expert of Albania to European Audiovisual Observatory standardised survey

4.1.8. Data compilation

This country report is based on information and materials supplied by the national experts Ms Monika Canco, independent consultant and lecturer at the Faculty of Law, University of Tirana and Dr Mirela Bogdani, lecturer at the Faculty of Law, University of Tirana and Council of Europe consultant on freedom of expression.