

REGISTERED No. M - 302
L.-7646

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, TUESDAY, APRIL 10, 2012

PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF PAKISTAN

PAKISTAN ELECTRONIC MEDIA REGULATORY AUTHORITY (PEMRA)

NOTIFICATION

Islamabad, the 31st January, 2012

S. R. O. 360(I)/2012.— In exercise of the powers conferred under sub section (3) of section 4 read with all other enabling provisions of Pakistan Electronic Media Regulatory Authority Ordinance, 2002 (XIII of 2002) the Pakistan Electronic Media Regulatory Authority is pleased to make the following Regulations namely:

1. **Short title and commencement.**— (1) These regulations shall be called Pakistan Electronic Media Regulatory Authority (Television Broadcast Station Operations) Regulations, 2012.

(1385)

- (2) They shall come into force at once.

PART – I

DEFINITIONS

2. Definitions.— (1) Terms and expressions used in these regulations shall have, unless it appears repugnant to the context or provided otherwise, following meanings:

- (a) “advertisement” means a set of visual and audio messages for the projection of a product, service, or idea with the object of propagating sale, purchase or hire of the product, service or idea for creating other related effects;
- (b) “annual fee” means the fixed fee plus such percentage of gross advertisement revenue as determined by the Authority from time to time;
- (c) “annual gross advertisement revenue” means total revenue receipts from advertisements in one year before deduction of expenses or liabilities;
- (c) “application form” means the application form as specified by the Authority for the grant of a licence or permission as prescribed by the Authority from time to time;
- (d) “applicable licence fee” means the licence fee prescribed by the Authority from time to time or where applicable, determined through bidding;
- (e) “Authority” means the Pakistan Electronic Media Regulatory Authority (PEMRA) established under section 3 of the Ordinance;
- (f) “base price” means the minimum fee determined by the Authority from time to time for the purpose of conducting bidding for a particular category of a licence;
- (g) “broadcast media” means such media which originate and propagate broadcast and prerecorded signals by terrestrial means or through satellite for radio or television and includes teleporting, provision of access to broadcast signals by channel providers and such other forms of broadcast media as the Authority may, with the approval of the Federal Government, by notification in the official Gazette, specify;

- (h) "broadcast station" means physical, technical and software infrastructure for the operation of radio or television and also includes satellite uplinking from ground, repeaters and all such other accessories;
- (i) "Chairman" means the Chairman of the Authority;
- (j) "Channel" means the set of frequencies that a broadcast station occupies for broadcasting;
- (k) "Code" means the code of conduct for electronic media prescribed by the Authority;
- (l) "company" means a company as defined in the Companies Ordinance 1984 (XLVII of 1984);
- (m) "copyright" means copyright as defined in the Copyright Ordinance 1962 (XXXIV of 1962);
- (n) "Council" means Council of Complaints established under the Ordinance;
- (o) "foreign company" means a company or body corporate organized, and registered under the laws of a foreign government;
- (p) "foreign content" means the content that is produced under the direct or indirect creative control of foreigners, foreign company or foreign broadcaster;
- (q) "foreign broadcasting service" means a broadcasting service which is uplinked from outside Pakistan and is downlink / received in Pakistan;
- (r) "frequency" means the frequency of the electromagnetic waves measured in Hertz;
- (s) "FAB" means the Frequency Allocation Board established under section 42 of the Pakistan Telecommunication (Reorganization) Act, 1996 (XVII of 1996);
- (t) "gross revenue" means the total revenue receipts calculated before realizing the expenses or liabilities;
- (u) "illegal operation" means the broadcast or transmission or distribution of, or provision of access to, programmes or

advertisements in the form of channels without having a valid licence from the Authority.

- (v) "media enterprise" means an enterprise concerned with the publication of a printed newspaper or journal, a radio or television broadcast station or a cinema or a theatre;
- (w) "licence" means a licence issued by the Authority;
- (x) "licensee" means a person to whom the Authority has issued a licence;
- (y) "member" means a member of the Authority;
- (z) "national broadcaster" means the Pakistan Broadcasting Corporation, the Pakistan Television Corporation and the Shalimar Recording and Broadcasting Company;
- (aa) "Ordinance" means the Pakistan Electronic Media Regulatory Authority Ordinance, 2002 (XIII of 2002);
- (bb) "PTA" means the Pakistan Telecommunication Authority established under the Pakistan Telecommunication (Reorganization) Act, 1996 (XVII of 1996);
- (cc) "person" includes an individual, partnership, association, company, trust or corporation;
- (dd) "prescribed" means prescribed by the rules and regulations made under the Ordinance;
- (ee) "programme" means the systematic broadcasting of visual or sound images by a broadcast station but does not include an advertisement;
- (ff) "regulations" mean the regulations made under the Ordinance and the rules; and
- (gg) "rules" means the rules made under this Ordinance; and
- (hh) "subscriber equipment" means equipment installed at subscriber's premises for receiving the television signal;

(2) Words and phrases used but not defined in these regulations, unless the context otherwise requires, shall have the meanings assigned to them in the Ordinance and the rules made thereunder.

PART-II

LICENSING CRITERIA

3. **Licence to operate.**—(1) No person shall engage in television broadcast media operation without obtaining a licence from the Authority.

(2) Every licence shall be subject to such terms and conditions as provided in the Ordinance, the rules and these regulations or as otherwise specified by the Authority.

(3) The Authority shall have the powers to charge licence fee, annual fee and renewal fee for different categories of licences at such rates as determined by the Authority from time to time.

4. **Application for grant of a licence to establish and operate a TV broadcast station.**—(1) The Authority shall invite, by advertising through media, the expression of interest or applications from the applicants, interested in establishing and operating a television broadcasting stations in any particular category or area of coverage in Pakistan, for award of licences through bidding under section 19 of the Ordinance:

Provided that non-commercial licences for educational and specialized subjects may be issued by the Authority on case to case basis in accordance with the prescribed criteria to the following organizations:

- i. Educational institutions recognized by the Higher Education Commission; and
- ii. Not for profit governmental organizations working for sector or industrial development:

Provided further that in case of non-commercial licences for educational and specialized subjects, the public sector institutions and government organizations shall be exempted from the requirements of security clearance, provincial consultation and public hearing.

(2) The application for grant of a licence to establish and operate a TV broadcast station shall be made on the application form specified by the Authority for this purpose from time to time.

(3) The applicant shall indicate the desired category of licence, in terms of the proposed content, area of coverage and the capability of the

equipment to be installed, from amongst the categories as prescribed by the Authority from time to time.

(4) Every application for grant of licence shall be accompanied by such application processing fee (non-refundable), as determined by the Authority from time to time.

(5) Base price for the licence shall be determined by the Authority.

(6) The Authority may forward, where applicable, the application to the Frequency Allocation Board (FAB) for allocation of frequency through PTA.

(7) The application may be processed simultaneously, however, the licence shall be issued only after security clearance from Ministry of Interior, the allocation of frequency by FAB where applicable and completion of other legal requirements.

5. Criteria for evaluating licence application:—(1) Applications for the grant of a TV broadcast station licence shall in the first instance be evaluated and short listed as per prescribed criteria.

(2) The applicant who is, directly or indirectly, holding a licence issued by the Authority shall not be issued any further licence unless all outstanding dues in respect of all the licences held by such applicant, directly or indirectly, have been paid and a satisfactory report has been obtained regarding compliance with the relevant laws from concerned wings of the Authority.

(3) A person or any of its directors or partners where such person is a company or firm, shall not be issued, directly or indirectly, more than a total of four TV licences:

Provided that in case of terrestrial TV licence, a person shall not be granted more than one TV licence in the same area of operation and where two or more companies or firms having one or more common directors/shareholders or partners, as the case may be, have applied for grant of licence in the same area, only one of such companies shall be allowed to participate in the bidding:

Provided further that if the companies or firms, as the case may be, are not able to decide as to which firm or company shall be participating in the bidding, all such companies or firms shall be declared ineligible for participation in the bid.

(4) The applicant shall certify that it is not a defaulter of the Authority, any financial institution, Federal Board of Revenue or any other organization/entity owned or operated by the government.

(5) The applicant shall be registered with the relevant tax authorities for, *inter alia*, sales tax and income tax.

(6) A licensee who owns, controls, operates or manages directly or indirectly broadcast media or landing rights permission shall not be granted any other distribution service licence and *vice versa*.

(7) Non-commercial licences for educational and specialized subjects may be issued by the Authority on case to case basis in accordance with the prescribed criteria to following organizations:

- (a) educational institutions recognized by the Higher Education Commission; and
- (b) governmental organizations working for sector/industrial development;

Provided that in the case of grant of non-commercial radio licences, public sector institutions and governmental organizations shall be exempt from the requirements of security clearance, provincial consultation and public hearing.

6. Issuance, refusal of licence.- (1) The Authority shall process each application in accordance with the Ordinance, rules and regulations and licence shall be granted on fulfillment of all legal requirements and payment of applicable licence fee and security deposit:

Provided that security deposit shall be refundable after one year of satisfactory performance by the licensee and may be forfeited where the licensee has either failed to commence its operation within given time or show satisfactory performance for one continuous year:

Provided further that if at any time it is found that the licensee had provided false or misleading information/certificate/documents for issuance of the licence, the licence shall be withdrawn.

(2) The Authority shall invite the comments of the Government of the Province concerned or in the case of Islamabad Capital Territory the Administration of Islamabad Capital Territory, with regard to the proposed location of the TV station for which the application has been made. In case no

response is received from the government concerned within a stipulated time period, it will be assumed that the government concerned has no objection.

(3) Any change in the particulars of the applicant provided in the application shall be notified to the Authority without any delay.

(4) The Authority shall take decision on the application for a licence within one hundred days from receipt of the application subject to fulfillment of all the legal requirements, security clearance from the Ministry of Interior, and frequency allocation by FAB in relevant cases:

Provided that if more time is consumed in the processing of the application, the same shall not be construed as an expectancy to get a licence merely by reason that the application was not decided within 100 days.

(5) A licence issued for a particular category or area of coverage shall not be changed subsequently for any reason whatsoever.

7. Fee and security deposit.— (1) The licensee shall pay to the Authority the applicable licence fee, annual fee and licence renewal fee at such rates as determined by the Authority from time to time.

(2) The Authority may revise, from time to time, the application processing fee, annual fee, renewal fee and security deposit payable pursuant to the Ordinance, rules & regulations.

(3) A surcharge at the rate of five percent per month, upto a maximum of fifteen percent, for late payment of annual fee or licence renewal fee, as the case may be, shall be payable:

Provided that without prejudice to the power of the Authority to revoke a licence, if a licensee fails to pay the outstanding dues including surcharge after expiry of three months from the due date, the licence shall be suspended and equipment shall be seized. However, the equipment may be returned on payment of outstanding dues and such fine as the Authority may impose.

PART-III

LICENCE TERMS & CONDITIONS

8. Licence conditions.— (1) The licence shall only be valid for the category / area of coverage as specified in the licence terms & conditions.

(2) The licence shall be valid for a period as provided in the licence terms & conditions.

(3) The licensee shall maintain a record and register of the programmes and the advertisements aired or broadcast for a period not less than ninety days and same shall be provided to the Authority as and when required.

(4) The licence shall be deemed to have been withdrawn and cancelled, if the licensee fails to put into operation the broadcast station within a period of one year or as specified in licence terms and conditions.

(5) A licensee having direct or indirect interest in any other media enterprise shall ensure.—

- (a) appointment of separate editorial boards and monitoring facilities for each medium under its control;
- (b) establishment of separate management structures for each medium under its control; and
- (c) maintenance of separate accounting record for each medium under its control.

(6) A licensee shall establish and operate the broadcast station in accordance with the Ordinance, rules, regulations and licence terms and conditions and change in the area of coverage or category of a licence shall not be allowed.

(7) A licensee shall comply with the local laws of Pakistan and shall not enter into any foreign or local agreement that is in violation of the Ordinance and the rules and regulations made thereunder.

9. **Renewal of the licence.**—(1) A licensee desirous of getting its licence renewed may, at least six months prior to the expiry of the licence, apply to the Authority for renewal of its licence and the Authority may renew the licence for such terms as deemed appropriate subject to:

- a. fulfillment of eligibility criteria and other conditions as provided in the Ordinance, rules, regulations or otherwise prevalent at the time of renewal of the licence;
- b. satisfactory past performance;
- c. security clearance of the applicant by the Ministry of Interior:

Provided that if decision of Ministry of Interior regarding security clearance of the applicant is not received within a period of six months or before expiry of the licence, whichever is earlier,

subject to fulfillment of other conditions, the licence may be renewed conditionally subject to security clearance by the Ministry of Interior and if the security clearance is refused the licence shall be withdrawn immediately without incurring any liability on part of the Authority.

- d. proof of registration with tax authorities for income tax and sales tax;
- e. the applicant must not be a defaulter of any financial institution, Federal Board of Revenue or any organization/entity owned or operated by the Government of Pakistan;
- f. payment of renewal fee as applicable at the time of renewal; and
- g. payment of outstanding dues in respect of all licences that are held by the applicant, directly or indirectly.

(2) Licence renewal fee shall be prevailing applicable licence fee for the respective area and category of licence plus rate of inflation calculated as prescribed by the State Bank of Pakistan:

Provided that if bidding has not been held for such licence, the renewal fee shall be determined by the Authority.

(3) The Authority may decide not to renew a licence beyond the expiry date of the on-going term after recording reasons in writing.

10. **Sharing of facilities.**—The Authority may issue guidelines about sharing of facilities by the licensees.

11. **Mergers and transfers.**—(1) A licensee shall not merge, amalgamate with any other person or change the management of company without the prior approval of the Authority.

(2) A person who is the shareholder of, or owns an interest in, a company which is a licensee, shall not transfer or dispose of his shares or the interest, without the prior approval of the Authority:

Provided that in the case of a listed company, the shares, representing not more than two percent of the issued and paid up share capital, may be transferred without such approval.

(3) A licensee shall not change its management, shareholding or transfer control otherwise to any person not being the shareholder at the time of grant of licence without obtaining prior permission from the Authority that is to be granted after fulfillment of prescribed criteria, payment of applicable fee and security clearance.

12. Maintenance of accounts.—(1) The licensee shall maintain proper accounts, as required by the applicable laws and the rules and regulations made under the Ordinance, and shall cause to be carried out the audit of his accounts by one or more auditors who are chartered accountants within the meaning of Chartered Accountants Ordinance, 1961 (X of 1961) and shall submit the audited financial statement to the Authority not later than three months after the closing date of its financial year.

(2) If the licensee is operating multiple businesses, it shall separately disclose gross advertisement revenue accruing from each business or in case the licensee has been issued more than one licences, the licensee shall specify gross advertisement revenue for each licensed service separately in its financial statement.

(3) If deemed necessary, the Authority may itself conduct or cause to be conducted through Chartered Accountants, audit of a licensee and the licensee shall provide all the relevant record, information, data and assistance in this regard.

13. Provision for live broadcasting of certain events.—For the purpose of ensuring the widest availability of viewing in Pakistan of a national or international event of general public interest, the Authority, may notify the same.

14. Copyrights.— (1) Licensee shall be responsible for complying with copyright obligations as required under the Copyrights Ordinance 1962.

(2) No suit, prosecution, or other legal proceeding shall lie against the Federal Government or any Provincial Government, the Authority or Local Authority or the Authorized Officer or any other person exercising any power or performing any function under the PEMRA ordinance rules and regulation made there under or for any violation of copyrights or other intellectual property rights by any licensee.

15. Monitoring.—(1) Without prejudice to any provision of the Ordinance and the rules and regulations made thereunder, the licensed system may be monitored with respect to quality of transmitted signal, content of the broadcast, compliance with relevant standards and any complaints received from viewers/ subscribers.

(2) The Authority shall monitor the broadcast operations with a view to ensuring compliance with the relevant laws, Ordinance, the Rules, the Regulations and/or directions issued by the Authority from time to time.

PART-IV

INSPECTION AND OPERATIONS

16. Inspection and Operation.—(1) An authorized officer or his nominee may physically inspect a broadcast station at any time and if any violation of the Ordinance, rules, regulations or licence terms and conditions is found, shall direct the operator to rectify the same within such time as may be reasonable for this purpose and may also seize the equipment being used in such violation.

(2) Where a licensee is found involved in violation of the relevant laws, the regional general manager may, after the licensee has been provided opportunity to show cause, impose a fine not exceeding one hundred thousand rupees:

Provided that where the officer is of the view that the violation is of severe nature, he may forward the case to the Council of Complaints or the Chairman, along with appropriate recommendation.

(3) A licensee shall be served a prior show cause notice for violation before seizure of equipment and equipment so seized may be returned after deposit of such fine as may be imposed:

Provided that the equipment seized for being used for illegal operation or without having a valid licence shall be confiscated.

(3) The authorized officer shall have the following powers:

- i. to exercise the powers regarding inspection, search and seizure conferred under section 29 of the Ordinance;
- ii. to request the officers of Federal Government, Provincial Governments and Local Governments including the Capital Territory Police and the Provincial Police for their assistance in discharge of its functions under the provisions of the Ordinance and the rules and regulations made thereunder;
- iii. to sign complaint, replies, comments, criminal complaint under section 34 of the Ordinance for any violation of provisions of the Ordinance; and

- iv. to apply for issuance of warrants under section 33B of the Ordinance.

(5) Any person aggrieved by any decision of an authorized officer, may appeal to the Authority within 30 days of such decision.

17. Events initiating investigations by the Authority:—(1) The Authority or authorized officer, as the case may be, may commence an investigation concerning the licensee's performance or compliance with the relevant laws and code of conduct when *inter alia*, any of the following events occur:

- i. failure to comply with the service provision, regulatory and technical standards requirements;
- ii. failure to comply with any of the performance obligation set forth in the licence;
- iii. unauthorized change of management, shareholding, directorship or CEO of the licensee;
- iv. unauthorized change of uplink stations without approval of the Authority;
- v. partial or total suspension of the service for a continuous period of 48 hours in the service area;
- vi. failure of the licensee to comply with the quality / of Services requirements of the licence;
- vii. repeated complaints by the general public about the inadequate quality standards of the service;
- viii. use of unauthorized frequencies;
- ix. provision of the telecommunication services which are not authorized by the licence or without obtaining a licence from relevant bodies' e.g. PTA etc.
- x. failure of the licensee to provide information to the Authority as and when required by the laws of Pakistan and licence conditions;
- xi. refusing permission or impeding inspections undertaken by the Authority or its authorized officers, as specified by the Authority or permitted by the laws of Pakistan as they exist or come into force from time to time;

- xii. failure of the licensee to maintain proper accounting systems and separate records of account for each of its licensed service;
- xiii. any violation of the laws of Pakistan as they exist or come into force from time to time;
- xiv. violation of the terms and conditions of the licence by the licensee.

(2) During the course of the investigation, the licensee and its staff shall fully cooperate with the investigating officer or team and provide all information that is required by the authorized officer in this regard.

PART-V

STANDARDS OF PROGRAMMES

18. **General standards for programmes.**—(1) In addition to the Code of Conduct prescribed under the rules, the licensee shall comply with the following:

- a. the licensee shall ensure to provide a proportion of programmes of indigenous origin as per approved program mix not being less than 90% of the total programming;
- b. Advertisements shall not be excessively noisy or strident. The maximum subjective loudness of advertisements shall be consistent and in line with the maximum loudness of programmes and junction material. Licensee shall endeavour to minimize the annoyance that perceived imbalances could cause, with the aim that the audience need not adjust the volume of their television sets during programme breaks;
- c. The licensee shall ensure that nothing is contained in any programme, or an advertisement, which is prejudicial to the interests of the sovereignty and integrity of Pakistan, Ideology of Pakistan, security, friendly relations with foreign states, public order or which may constitute contempt of court, defamation or incitement to an offence or brings into disrepute the State institutions including armed forces;
- d. The licensee shall show sensitivity and respect to all ethnic groups and minorities;
- e. The licensee shall not broadcast, transmit, retransmit or relay any indecent, vulgar, pornographic or obscene content;

- f. The licensee, while airing any content relating to a crime, shall not reveal the identity of victim or relatives of victims unless prior written permission of victim or, where the victim is a minor, victim's guardian has been obtained;
- g. The licensee shall comply with the guidelines and directives issued by the Authority from time to time;
- h. The programmes and advertisements shall conform to the provisions of the laws of the country and where prior permission has to be obtained under any law for the time being in force in the country before airing a program or advertisement, such program or advertisement shall not be aired unless the licensee has satisfied itself that requisite permission in respect of such program or advertisement exists;
- i. During a regular programme a continuous break for advertising shall not exceed three minutes and duration between two such successive breaks shall not be less than fifteen minutes:

Provided that during the transmission of any given one hour, the total duration of advertisements shall not exceed a maximum of twelve minutes.

- j. The licensee shall abide by the electoral code of conduct promulgated by the Election Commission of Pakistan and the Authority;
- k. The licensee shall not air any health related advertisements unless prior permission has been obtained under the relevant laws;
- l. Privacy of any individual and the privacy of home shall not be violated;
- m. Personal data of any individual shall not be disclosed unless prior written permission has been obtained from such individual;
- n. While reporting any incident of rape, the identity of the victim and victim's family shall not be disclosed unless the victim has himself/herself consented where victim is an adult and where victim is a minor victim's guardian has consented to disclose victim's identity in the electronic media;
- o. not broadcast video footage of suicide bombers, terrorists, bodies of victims of terrorism, statements and pronouncements of

militants and extremist elements and any other act which may, in any way, promote, aid or abet terrorist or terrorism;

19. NOC prior to import of any broadcasting equipment:—The licensee shall obtain NOC from the Authority before importing any broadcast equipments.

20. Uplinking permission:—(1) A person desirous of obtaining long term or short term uplinking permission may apply to the Authority on the prescribed application form along with all requisite documents and, in case of long term uplinking, a demand draft in favor of PEMRA for an amount equal to processing fee (non-refundable) as determined by the Authority from time to time.

(2) The Authority may grant long term or short term uplinking permission to the eligible applicants subject to payment of respective fee as determined by the Authority from time to time.

(3) Long term uplinking permission shall only be granted to the eligible applicants after security clearance from Ministry of Interior and fulfillment of other legal requirements.

(4) Long term uplinking permission may be granted for a period of one year which may be renewed subject to satisfactory past performance and payment of applicable fee as prescribed by the Authority from time to time:

Provided that in case of renewal for the third term and onward rise in fee @ 5% shall also be charged.

(5) The content so uplinked by a short or long term permission holder shall primarily be for the usage abroad by the foreign news agency or TV channels and shall not be broadcast in Pakistan without landing rights permission:

Provided that the content may be broadcast within Pakistan by satellite TV channels licensed by the Authority.

PART-VI

TECHNICAL AND QUALITY OF SERVICE STANDARDS

21. Technical and Quality of Service Standards.—(1) The licensee shall ensure the highest quality of standards as determined by transmission level, video characteristics, modulation parameters, frame format etc. as defined in ITU-R Recommendations BT 470, BS 707 etc.

(2) The licensed system shall be fully compatible with the equipment normally in use of the general public for reception of the licensed services.

(3) The licensee shall ensure that all picture, sound test and other signals of the TV broadcast and the installed system meets the criteria for the broadcast systems as laid down by the ITU-R , DVB, ETSI with respect to the terrestrial, satellite, networks, terminations, transmitters, receivers, transmitted signals and other equipment.

(4) The licensee shall ensure compliance with the following ITU-R standards:

- i. ITU-R BO.650-2: Standards for conventional television systems for satellite broadcasting
- ii. ITU-R BT.470-7: Conventional analogue television systems
- iii. ITU-R BT.709-5: Parameter values for HDTV standards
- iv. ITU-R BO.1516: Digital Multi-programme TV systems
- v. ITU-R BT.1701-1: Characteristics of Conventional TV signals
- vi. ITU-R BO.1130-4: Systems for Digital Satellite Broadcasting
- vii. ITU-R BT.1774-1: Use of satellite and terrestrial broadcast infrastructures for public warning disaster mitigation and relief
- viii. ITU-R BO.786: System for SDTV Broadcasting Satellite Services
- ix. ITU-R BO.1724-1: Interactive Satellite Broadcasting Systems (TV, sound and data)
- x. ITU-R BO.1784: Digital Satellite Broadcasting with flexible configuration

(5) The Licensee shall ensure to achieve live studio outputs of sound and vision grade of 5 on the ITU-R 5-Point Quality Grading Scale as described in standard ITU-R BT.500. Recorded programmes based on electronic production should normally achieve a grade of at least 4 and other programmes should normally achieve a grade of at least 3:

Provided that a lower grade may be justified which include news inserts, topical or actuality material, historical material and where it is not practicable

further to improve the technical quality, or where low quality clearly forms part of the editorial intent of the programme.

(6) The licensee shall ensure that timing differences between the sound and video of the transmitted TV signals is not unreasonable.

(7) The licensee shall ensure the highest standards of reliability measured in terms of service availability to viewers. The minimum standard of availability shall be 99%, averaged over the a period of six months and the figure shall take into account the loss of video and sound or control data essential to view the services due to any cause under the control either directly or indirectly through contract arrangements (*e.g.* satellite capacity lease arrangement), of the licensee.

(8) The licensee shall submit to the Authority an annual report on transmission performance that should include a summary of reliability performance results for transmission in an appropriate format and an analysis of viewer complaints relating to poor reception quality.

(9) The licensee shall respond promptly to complaints from subscribers.

(10) The licensee shall not cease or suspend broadcasting except on account of force majeure or with the prior approval of the Authority. In case the licensee wishes to wind up the business, he shall seek approval in writing from the Authority not less than 180 days prior to such action.

(11) The licensee shall not uplink or downlink the services for which it is not licensed or from an illegal satellite operator.

(12) The licensee shall abide by all the directions issued by the Authority from time to time regarding quality of signal, transmission characteristics, sound and video qualities, reliability of service etc.

(13) Measurement and balancing of subjective loudness levels as specified above shall be carried out using a loudness-level meter, conforming to ITU recommendations. If a peak-reading meter is used instead, the maximum level of the advertisements must be at least 6dB less than the maximum level of the programmes to take account of the limited dynamic range exhibited by most advertisements. The relevant ITU recommendations are ITU-R BS1770 Algorithms to measure audio programme loudness and true-peak audio level and ITU-R BS1771 Requirements for loudness and true-peak indicating meters.

22. Safety standards.—(1) The Licensee shall ensure that the licensed TV service does not cause interference in any other licensed communication or broadcasting service or it does not commit an act that is likely to harm the legitimate interests of other Licensees or licensed services.

(2) The licensee shall abide by the standards & specifications /criteria as laid down by the Civil Defence Authority and the Armed Forces where applicable before installation / establishment of broadcast stations, earth stations/ transmission stations etc.

(3) The licensee shall ensure such security arrangements as may be required to protect the broadcasting station etc. against unauthorized access or control.

(4) The Licensee shall ensure that the equipment installations/ infrastructure do not become a security or traffic hazard, a nuisance for the local population / inhabitants or not keeping with the environmental standards.

(5) The Licensee shall strictly follow the relevant ICNIRP (International Commission on Non-Ionizing Radiation Protection) guidelines on limiting exposure to non-ionizing radiation.

23. **Repeal and savings.**—(1) The Pakistan Electronic Media Regulatory Authority (Radio Broadcast Operations) Regulations, 2002, hereinafter referred to as the said regulations, are hereby repealed to the extent of Radio Broadcast operations.

(2) Notwithstanding anything contained in sub-regulation (1):

- (a) Any licence, permission or lease granted or renewed under the said regulations which are not inconsistent with provisions of the Ordinance, rules and these or any other regulations made there under shall be deemed to have been so granted or renewed under these regulations;
- (b) Any fee, security deposit, fine and surcharge etc. chargeable under these regulations shall apply to such licence, permission or lease granted or renewed under the said regulations; and
- (c) Any application made for the grant of a licence and pending consideration under the said regulations, shall be deemed to have been so made and pending consideration under these regulations.

[F.No.7(329)Legal/2011]

SOHAIL ASIF ALI KHAN,
Secretary to the Authority.