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PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF PAKISTAN

PAKISTAN ELECTRONIC MEDIA REGULATORY AUTHORITY (PEMRA)

NOTIFICATION

Islamabad, the 21st January, 2025

S.R.O. 81(I)/2025.—Pakistan Electronic Media Regulatory Authority (PEMRA) in exercise of the powers conferred under Sections 4, 13, 18, 19 and 39A along with all other enabling provisions of the Pakistan Electronic Media Regulatory Authority (Ordinance No. XIII of 2002) and PEMRA Rules, hereby notifies the PEMRA (Eligibility Criteria and Bidding Procedure for District Level Cable TV Licensing) Regulations, 2025 for information and guidance of the companies interested in applying for grant of licence for district level for a period of ten (10) years:

2. This notification shall come into force with effect from 21st January, 2025.

Price : Rs. 40.00

[116 (2025)/Ex. Gaz.]

ELIGIBILITY CRITERIA

1. Definition.- (1) Terms and expressions used herein shall have, unless it appears repugnant to the context or provided otherwise, following meanings:

(a) "Application form" means the application provided in Schedule-A of these regulations.

(b) "Authority" means the Pakistan Electronic Media Regulatory Authority (PEMRA) established under Section 3 of the Ordinance;

(c) "Cable TV" means reception of broadcast and pre-recorded signals from different channels and their distribution to subscribers through a set of closed transmission paths excluding IPTV; and,"

(d) "Code" means the Code of Conduct for electronic media prescribed in PEMRA Rules.

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

2. Who May Apply

i. Any company registered under Companies Act, 2017 having paid up capital of not less than Rs. 3.0 million can apply for a district level licence.

ii. A company or its directors must not be owning, operating or controlling any broadcast media or landing rights permission as sole or joint shareholder, whether directly or indirectly;

iii. A company should be registered with the tax authorities for income tax, sales tax etc.;

iv. A company should have the technical experience and capability to establish & operate a Cable TV network;

v. A company or its directors should not be a defaulter of the Government of Pakistan or any of its organizations including PEMRA;

vi. A company, who has already obtained a valid licence(s) from PEMRA and its area of operation falls in the proposed districts, announced for bidding, shall be allowed to participate in the bidding subject to the condition that it shall have to surrender its exiting licence(s), along with clearance of all outstanding dues, in case a district level licence(s) is granted by the Authority;

vii. A maximum number of Cable TV licences that may be issued to a company or its directors, directly or indirectly, shall not exceed a total of ten (10) licences;

viii. A company and its shareholder shall comply with Sections 23 and 25 of PEMRA Ordinance as amended PEMRA(Amendment) Act 2023, as well as the relevant PEMRA rules and regulations.

ix. A company shall be allowed only one licence in a particular district or in the same area of operation;

x. If two (02) cable TV licences are awarded in a district through open bidding, no further licences may be granted for three years. However, if a company fails to put into operation its cable TV system within one (01) year from the date of licence granted or as specified in its licence, proceedings for cancellation of licence in accordance with the relevant law shall be initiated, and the Authority may proceed to award a new cable TV licence in the said district, in accordance with the Ordinance, rules, and regulations; and

xi. A company that is awarded a cable TV licence through open bidding shall be allowed to distribute/ relay only five (05) in-house distribution channels, subject to compliance with the PEMRA Ordinance, rules, regulations and as per terms and conditions of cable TV licence duly signed by the licensee.

3. **Ineligibility for grant of licence.-**A licence shall not be granted to:

(a) a person who is not a citizen of Pakistan or resident in Pakistan;

(b) a foreign company organized under the laws of any foreign government;

(c) a company the majority of whose shares are owned or controlled by foreign nationals or companies whose management or control is vested in foreign nationals or companies; or

(d) any person funded or sponsored by a foreign government or organization.

4. Documents Required. – (1) The applicant company shall submit following documents in the same sequence:

(a) Duly filled application form presented in **Schedule –A** of these regulations.

(b) Demand Draft or Pay Order in favor of PEMRA amounting to Rs. 100,000/- (Rupees one hundred thousand) as application processing fee which shall be non-refundable.

(c) Board Resolution of the applicant company authorizing filing of the application for grant of district level licence.

(d) Certificate of Incorporation or Registration of Company with the Securities Exchange Commission of Pakistan (SECP);

(e) An Article of Association/ Memorandum of Association of the Company having object clause of “Cable TV/electronic media distribution business”;

(f) Form-29 and Form-A of the Company;

(g) Technical & Financial Plan of the Company;

(h) Proof of registration with relevant tax authorities;

(i) Police Character Certificate of CEO and all the Directors of the Company;

(j) Undertaking that applicant company or its directors do not own or control any broadcast media or landing rights permission as sole or joint shareholder;

(k) Undertaking declaring that company and its directors are not defaulters of any Government i.e. Provincial/ Federal or any other organization including PEMRA on stamp paper of Rs. 100/-;

(l) Undertaking that applicant company or its directors agree to abide by PEMRA Ordinance 2002, PEMRA Rules, Regulations, terms and conditions of Cable TV licence and other instructions issued by PEMRA from time to time on stamp paper of Rs. 100/-;

(m) Affidavit by the licensee, who has valid licence from PEMRA for Cable TV for the area which falls under the proposed district, that company or its directors shall surrender existing licence if Company or its Directors qualify in bidding and subsequently, licence is issued to them, on stamp paper of Rs. 100/-.

(2) The aforementioned documents, along with the application form, accompanied by the application processing fee (non-refundable), shall be submitted by the applicant company at the Licensing Distribution Wing, PEMRA Headquarters, Mauve Area, G-8/1, Islamabad.

5. Availability and Submission of Application forms.- (1) Application forms and relevant information shall be made available at PEMRA website www.pemra.gov.pk.

(2) Applications shall be submitted to Licensing Distribution Wing, PEMRA Headquarters, Mauve Area, G-8/1, Islamabad.

(3) The bidding shall be conducted at PEMRA Regional Offices (Lahore, Karachi, Peshawar, Quetta and Islamabad).

6. Pre-Qualification of Applicant companies and bidding process.-The applicant companies shall be pre-qualified/shortlisted as per the above criteria on the basis of the documents/ information provided by them.

i. Pre-qualification/shortlisting of applicant company, however, shall not guarantee grant of licence. The licence shall be granted to the successful bidder only after fulfillment of all legal requirements.

ii. Pre-qualification/shortlisting does not include police character certificate. The said document shall be obtained after completion of the bidding process and before grant of licence.

iii. The Authority reserves the right to direct any applicant to provide any additional information or documents, required in connection with evaluation of the application.

iv. The pre-qualified/shortlisted applicant companies shall be invited to participate in the bidding as per bidding procedure provided in **Schedule-B.**

7. Base price for bidding

The base price against each district as determined by the Authority, is provided in **Schedule-C** and shall also be made available at PEMRA website www.pemra.gov.pk.

8. Applicable licence fee.- (1) The highest bid price shall determine the applicable licence fee for respective districts.

(2) The annual fee shall be at the rate of thirty percent (30%) of the applicable licence fee. The Authority shall not charge separately any subscriber fee and in-house channel fee except the late payment fee under sub-regulation (3) or as prescribed by the Authority in relevant regulations from time to time during the validity of the licence.

(3) Late payment fee at the rate of five (5%) percent per month, up to a maximum of fifteen (15%) percent, for late payment of licence renewal fee or annual fee, as the case may be, shall be payable. If a licensee fails to pay the outstanding dues including late payment fee after expiry of three months from the due date, legal proceedings shall be initiated, which may include suspension of licence and if dues are not cleared within given time period, the licence shall be processed for revocation under the relevant provisions of PEMRA law.

(4) Licence renewal fee shall be at the rate of fifty (50%) percent of applicable fee of last bid price of the district category, as provided in Section 24 of PEMRA Ordinance 2002.