ELIGIBILITY CRITERIA

Who May Apply

i. Any company registered under the Companies Act 2017 having paid up capital of not less than Rs. 3.0 million can apply for a FM radio broadcast station licence. In the event, the company is applying for more than one licence, or already holds a FM radio licence, the paid up capital should be enhanced by Rs. 1.50 million for each additional licence.

ii. The applicant company must not be holding, directly or indirectly, a distribution service licence (except landing rights permission).

iii. Maximum number of FM radio licences that a person can hold, directly or indirectly, is four. Therefore, those applicant companies who are already holding four FM radio licences, directly or indirectly, are not eligible to apply.

iv. An applicant company cannot apply for more than one FM radio licence in the same City / District i.e. one company can only apply for one licence in a particular District.

v. The management, control and majority shareholding of the applicant company must vest in the local nationals in compliance with section 25 of the Ordinance.

vi. A company having a distribution service licence of the Authority shall not be eligible for FM radio licence.

vii. The object clause of the applicant company shall allow entry into the business of electronic media or FM radio.

viii. The applicant company or any of its directors or shareholders must not be defaulter of PEMRA, any financial institution, tax authorities or Government of Pakistan or any provincial/regional government.

ix. The applicant company must be in compliance with the relevant provisions of the PEMRA Ordinance 2002 as amended by PEMRA (Amendment) Act, 2023, PEMRA Rules 2009, regulations made there under and as amended from time to time and licence terms & conditions.

x. The applicant company shall undertake to abide by the bidding procedure.

2. 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.

3. Documents Required: The applicant company shall submit following documents, preferably, in the same sequence:

i. Duly filled application form (Schedule-A).
ii. Board Resolution of the applicant company authorizing filing of the application for grant of FM radio licence.
iii. Certificate of Incorporation from SECP, Statutory Returns and Forms regarding ownership/management of the applicant company (e.g. Form-A, Form 29 and Form 3 etc.).
iv. Names and detailed CVs of the directors and shareholders of the applicant company.
v. Attested copies of CNICs and Passports of the directors and shareholders of the applicant company.
vi. Relevant experience certificates of the directors and shareholders of the applicant company (if any).
vii. Details of other businesses of the applicant company alongwith total assets, annual turnovers and annual reports of the company, if any.
viii. Audited financial statements for last two years of the applicant company where applicable.
ix. Copy of NTN certificate of the applicant company and its directors and shareholders.
x. Income tax returns of the applicant company for last two years and income tax filer certificate of the applicant company and its Directors / shareholders. In case of a new company the income tax returns and income tax filer certificate of the directors and shareholders of the company shall be provided.
xi. Affidavit of applicant company that neither the applicant company nor any of its directors or shareholders are defaulter of PEMRA, any financial institution, or government and tax authorities (Schedule-C).
xii. Affidavit of applicant company that it shall abide by all PEMRA Laws, the Rules, Regulations, Code of Conduct, licence terms & conditions and directions issued by the Authority from time to time (Schedule-D).
xiii. Affidavit of the applicant company that neither the applicant company nor any of its directors and shareholders are directly or indirectly, holding a distribution service licence (except landing rights permission) (Schedule-E).
xiv. Affidavit that the applicant company is in compliance with Section 25 of the PEMRA Ordinance 2002, as amended by PEMRA (Amendment) Act 2023. (Schedule-F).
xv. Affidavit that the applicant company or any of its directors and shareholders has never been black listed (Schedule-G).

xvi. Demand Draft or Pay Order in favor of PEMRA amounting to rupees twenty five thousand for big cities / district and rupees ten thousands for small cities, as application processing fee which shall be non-refundable.

xvii. Technical feasibility containing information as per checklist given in Schedule H.

xviii. Financial feasibility containing information as per checklist given in Schedule I.

xix. Undertaking from the applicant company that it shall abide by the bidding procedure as notified by the Authority.

4. **Pre-Qualification of Applicant companies and bidding**

i. The applicant companies shall be pre-qualified as per the above criteria on the basis of the documents/information provided by them.

ii. Pre-qualification 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.

iii. Pre-qualification does not include public hearing, provincial concurrence and allocation of frequency. These shall be done after completion of the bidding process and before grant of the licence.

iv. The Authority reserves the right to seek any information and clarification from any applicant company within such time as the Authority may deem fit. If the applicant company fails to provide such information & clarification its application may be rejected without any further processing.

v. The pre-qualified applicant companies shall be invited to participate in the bidding. The applicant company shall participate in the bidding as per bidding procedure provided in Schedule-J.

5. **Licence categories:**

All the FM radio licences will be awarded for commercial category which shall be allowed to carry advertisements only in accordance with the PEMRA Ordinance, rules & regulations, Electronic Media (Code of Conduct), 2015 and licence terms & conditions as amended from time to time.

6. **Reservation of rights**

i. If at any time either before grant of licence or after grant of licence, it comes to the notice of the Authority that the applicant company or any of its representative had provided any false or misleading statement/information, advertently or inadvertently, the application shall be rejected immediately and the earnest money shall be forfeited; and if the licence has already been issued, the licence shall be revoked and security deposit and other dues deposited by the applicant company or licensee shall be forfeited.

ii. The licence will be granted only after fulfillment of all legal requirements including approval of Authority, successful provincial consultation, public hearing, allocation of frequency and payment of applicable licence fee & security deposit.

iii. The schedule for payment of applicable licence fee shall be as determined by the Authority. In case of non-compliance with the schedule of payment given by the Authority, the earnest money and all other sums deposited by the applicant company shall be forfeited.

iv. The provisions of the PEMRA Ordinance 2002, PEMRA Rules 2009 and Radio Broadcast Stations Operations Regulations 2012 shall have effect notwithstanding anything contained in this notification.

v. Any subsequent request for change in area either before grant of licence or after grant of licence shall not be entertained.

vi. The Authority reserves the right to revise the annual fee in accordance with the PEMRA Ordinance 2002 as amended by PEMRA (Amendment) Act 2023, the rules, regulations etc.

vii. In the event successful bidder fails to fulfill the legal requirements for grant of FM radio licence within a period of two years from the date of bidding, the Authority may reject its application by recording reasons in writing; and the Authority may, in its discretion, grant opportunity of meeting the highest bid price to the second highest bidder or re-bid the licence.

viii. The Authority may issue determinations for clarification or revision of any of the provision of this notification