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PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF PAKISTAN

PAKISTAN ELECTRONIC MEDIA REGULATORY AUTHORITY
(PEMRA)

NOTIFICATION

Islamabad, the 20th November, 2019

Landing Rights Permission Regulations-2016 as Amended in 2019

S.R.O. 1667(I)2019.—In exercise of the powers conferred under Sections 4 read with 18 & 19 of PEMRA Ordinance 2002 (Amendment) Act, 2007 read with Rule 14 of PEMRA Rules, 2009, the Pakistan Electronic Media Regulatory Authority (PEMRA) hereby notifies the PEMRA Landing Rights Permission Regulations-2016 as Amended in 2019 for the grant of Landing Rights Permission to foreign satellite TV channels for information and guidance of the companies interested in applying for grant of Landing Rights Permission for a period of five (05) years:

(3113)

Price : Rs. 40.00

[1948(19)/Ex. Gaz.]

ELIGIBILITY CRITERIA

1. **Definitions:** Terms and expressions used in these regulations shall have the same meaning as assigned to them under the Ordinance, the rules, regulations and terms & conditions. In addition, other terms & expressions used shall have, unless it appears repugnant to the context or provided otherwise, following meanings:

1.1 **Fashion:**

Means a popular style or practice, especially in clothing, footwear, accessories, makeup, body, or furniture and its study, as well, accepted by a society.

1.2 **Film:**

A film, (movie, motion picture, theatrical film or photoplay) is a series of still images created by photographing, with a motion picture camera or Computer Generated Images (CGI) and computer animation when shown on a screen, creates the illusion of moving images.

1.3 **Drama:**

Drama is the specific mode of fiction represented in performance. It is typically sensational and designed to appeal to the emotions, takes precedence over detailed characterization.

1.4 **Dubbing:**

Dubbing is a post-production process used in filmmaking and video production in which the original soundtrack in one language is replaced by soundtrack in another language. Simply dubbing can be defined as the replacement of soundtrack of a video recording, film etc., in one language by a soundtrack in a different language.

1.5 **Life Style:**

The term lifestyle (*Way of life*) can denote the interests, opinions, behaviors, and behavioral orientations of an individual, group, or culture.

1.6 **Soap Opera:**

A soap opera, soap, or soapie, is a serial drama on television or radio, which examines the lives of many characters, usually focusing on emotional relationships among them.

(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:** (1) Applicant company registered with SECP under Companies Ordinance 1984 having paid up capital of not less than Rs.10 million can apply for a Landing Rights Permission. In the event, the company is applying for more than one licence, or already holds a Landing Rights Permission for foreign satellite TV channel, the paid up capital shall be enhanced by Rs. 3.0 million for each additional channel subject to maximum of Rs. 20 million.

(2) Landing Rights Permission shall only be awarded to a Foreign Satellite TV Channel having foreign language content, whose principal should be foreign national and which have been in operation for two years from the date of filing the application.

(3) The applicant company shall have distribution agreement with the principal of the foreign satellite TV channel for downlinking & distribution of the channel in Pakistan.

(4) The applicant shall comply with relevant provisions of PEMRA laws and shall give undertaking in this regard.

(5) The applicant shall not be recipients of funds from a foreign government, organization.

(6) The applicant shall not be a firm or company the majority of whose shares are owned or controlled by foreign national or whose management control is vested in foreign national or companies;

(7) Security clearance from Ministry of Interior under Rule 7(d) read with Rule 9(5) of PEMRA Rules 2009 in respect of the applicant company & its Directors / shareholders shall be done.

(8) The applicant company must not be holding, directly or indirectly, a distribution service licence in compliance with Rule 13 (3) of PEMRA Rules 2009.

3. **Documents Required:** The applicant company shall submit following documents as part of the application for grant of landing rights permission:

(i) Duly filled application form (**Schedule-A**).

- (ii) Board resolution authorizing the filing of application for grant of landing rights permission.
- (iii) Organizational information of applicant company.
- (iv) Attested copies of CNICs of the Directors of applicant company.
- (v) Details i.e. CV/profile of Director(s)/Shareholder(s) of the principal company.
- (vi) Details i.e. CV/ profile of Director(s)/Shareholder(s) of applicant company.
- (vii) True attested Copy of applicant company Registration with SECP.
- (viii) True attested Copy of Memorandum & Article of Association from SECP.
- (ix) True attested Copy of Form-29 from SECP.
- (x) True attested Copy of Form –A/Form-3 from SECP.
- (xi) Attested Copy of NTN Certificate of applicant company.
- (xii) Income Tax return of the applicant company for last two years.
- (xiii) Income Tax return of the Directors/ shareholders of the applicant company for last two years.
- (xiv) Financial Feasibility of applicant company.
- (xv) Bank statements of the applicant company for the last six (6) months.
- (xvi) Address of the Registered Business Office; information about the directors/shareholders; contact Person of the Principal Company along with their nationality and contact / e-mail details etc.
- (xvii) Proof regarding already operational status of the foreign TV channel for the last two (02) years, detail of up-linking station etc.
- (xviii) Attested copy of valid broadcast license of principal issued by the concerned foreign authority.

- (xix) Attested Copy of Distribution Agreement signed between applicant company & Principals.
- (xx) Attested Copy of the Agreement between Principal & the satellite company for up-linking facility.
- (xxi) Brief Channel Profile of the Principal Company.
- (xxii) Detail Presentation of Programming Contents (Break up).
- (xxiii) Undertaking for Non-default **(Schedule-B)**.
- (xxiv) Undertaking for Compliance with PEMRA Laws, Terms & Conditions, Rules & Regulations and other relevant Laws **(Schedule-C)**.
- (xxv) Undertaking for Non-Cross Media Ownership **(Schedule-D)**.
- (xxvi) Undertaking that the applicant is not ineligible under section 25 of PEMRA Ordinance 2002 **(Schedule-E)**.
- (xxvii) Undertaking for Non-recipient/beneficiary of funds from foreign Government, Organization or individual **(Schedule-F)**.
- (xxviii) Checklist for financial feasibility for the company **(Schedule-G)**

4. **Categories of Landing Rights Permission and fee structure:**
Landing Rights Permissions shall be granted by the Authority in the following categories with fee structure given against each as under:

S. #	Landing Rights Permission Categories	Landing Rights Permission Fee
1	News & Current Affairs	Rs. 5.0 million (per channel) Annual Renewal: 40% of LRP fee Plus 2 % of Gross Annual Advertisement Revenue (GAAR) as Per Audited Accounts
2.	Sports	Rs. 3.0 million (per channel) Annual Renewal: 40% of LRP fee Plus 5 % of Gross Annual Advertisement Revenue (GAAR) as Per Audited Accounts
3.	Education with content related to science & technology, space,	Rs.1.0 million (per channel) Annual Renewal: 50% of LRP fee Plus 2 %

	environment, travel & tourism, energy conservation, history, nutrition, health, agro etc.	of Gross Annual Advertisement Revenue (GAAR) as Per Audited Accounts
4.	Children	Rs. 0.5 million (per channel) Annual Renewal: 40% of LRP fee Plus 2 % of Gross Annual Advertisement Revenue (GAAR) as Per Audited Accounts
5.	General Entertainment	Rs. 2.6 million (per channel) Annual Renewal: 40% of LRP fee Plus 2 % of Gross Annual Advertisement Revenue (GAAR) as Per Audited Accounts
6.	Teleshopping & Property	Rs. 2.0 million (per channel) Annual Renewal: 40% of LRP fee Plus 2 % of Gross Annual Advertisement Revenue (GAAR) as Per Audited Accounts

Explanations:

1. Application processing fee of Rs.200,000/- (Two hundred thousand) (non-refundable) in shape of Bank Draft/Pay Order will be payable along with application for each channel.
2. For calculation "**Gross Annual Advertisement Revenue**" means total revenue receipts from advertisement in one year before deduction of expenses or liabilities.

5. **Dubbing of content:** Dubbing of foreign content in *national language (Urdu & other Pakistani languages only)* shall be allowed in all genres except general entertainment where only 50% of the total programming content of the foreign TV channels shall be allowed to be dubbed in (*Urdu & other Pakistani languages only*).

6. **Surcharge:** A surcharge at the rate of five percent per month, upto maximum of fifteen percent, for late payment of annual renewal fee shall be payable as per following percentages:

- | | | |
|-----------------------|---|-----------------------------------------------|
| 1 st Month | = | 5% of the landing rights annual renewal fee. |
| 2 nd Month | = | 10% of the landing rights annual renewal fee. |
| 3 rd Month | = | 15% of the landing rights annual renewal fee. |

7. **Duration of landing rights permission:** Landing Rights Permission shall be issued for a term of 5 years. The Permission shall be issued on fulfillment of eligibility criteria.

SCHEDULE-A**NON-TRANSFERABLE****Application Form For
Landing Rights of Satellite TV Channel****☐ Encrypted ☐ Free to Air****(Please Mark)**

Please read the following instructions carefully before filling in the Application Form:

- To be submitted in duplicate after printing on A4 paper size;
- Give complete answers, use extra sheets if required, attach copies of other relevant documents, if required, to illustrate an answer;
- Use the typescript or write in black ink in CAPITAL letters;
- Please attach documentary evidence of your authorization to act on behalf of the applicant company;
- One form can be used for only one category;

Date of Application: _____

To,
The Pakistan Electronic Media Regulatory Authority,
Islamabad.p

NAME OF CHANNEL APPLIED FOR _____

CATEGORY OF CHANNEL: _____

1. DETAIL OF APPLICANT COMPANY

1.1 Name of applicant company: _____

1.2 Full Name & title of CEO: _____

1.3 CNIC No. of CEO: _____

1.4 Applicant company's Registration No.: _____

1.5 National Tax No.: _____

1.6 Date of incorporation: _____

1.7 Authorized Capital: _____

1.8 Paid up Capital: _____

1.9 Business Address: _____

1.10 Mailing Address [If different from above]: _____

1.11 Telephone No.: _____ Mobile No.: _____

1.12 Fax No.: _____ E-mail address.: _____

1.13 Website: _____

1.14 Other business locations / sales outlets in Pakistan

i. _____ ii. _____

iii. _____ iv. _____

1.15 Organizational set-up:

(a) Details regarding Ownership/Control of the Company:

[Information regarding CEO, Directors and shareholders]

S. No.	Name Position in Company	NIC No.	Extent of Shares holding	Financial interest in other Print/Electronic Media

(b) Names and addresses of the ultimate beneficial ownership of the Company:

S.No.	Name, address, NIC Number

1.16 Any other LRP/STV/FM License Issued to the Company:—

2. DETAIL OF PRINCIPAL COMPANY

2.1 Name of Channel Principal: _____

2.2 Address of Principal Company: _____

2.3 Detail of Director(s) (Name & Nationality etc.): _____

2.4 Detail of Contact person (Name, phone No., email address etc): _____

2.5 Licensing Authority:—

Name of Authority: _____

Country: _____

License No. & Date: _____

Valid till: _____

2.6 Particulars of Broadcast Company /Teleport:

Name _____

Satellite _____

Band _____

Address _____

2.7 Technical Information:

Name of Satellite & Transponder	Please check the appropriate boxes			
	<input type="checkbox"/> Encrypted	<input type="checkbox"/> Analogue	<input type="checkbox"/> C-Band	<input type="checkbox"/> Free-To-Air
	<input type="checkbox"/> Unencrypted	<input type="checkbox"/> Digital	<input type="checkbox"/> KU-Band	<input type="checkbox"/> Subscription
	<input type="checkbox"/> Compressed		<input type="checkbox"/> KA-Band	
Up-link Frequency: _____	Down-link Frequency: _____		FEC: _____	
Transponder: _____	Symbol Rate: _____		Orbital Loc: _____	
Polarization: _____	Modulation: _____			
Encryption System (if any): _____	Coverage Map along with EIRP: _____			

☐ STB☐ Proprietary☐ Non-
Proprietary

Up-link Location:- _____

Whether separate beam for Pakistan or not :- _____

Channel Card Information (for encrypted channels only)

CARD NAME	CHANNELSUPPORT

3. **DURATION OF LICENCE: Five Years**4. **FINANCIAL FEASIBILITIES: (attach details as per schedule-G)**5. **Documents to be attached:—**Following documents are required to be submitted along with the application:—

- (i) Application processing fee of Rs.200,000/- for Landing Rights Permission.
- (ii) Board resolution authorizing the filing of application for grant of landing rights permission.
- (iii) Organizational information of applicant company.
- (iv) Attested copies of CNICs of the Directors of applicant company.
- (v) Details i.e. CV/profile of Director(s)/Shareholder(s) of the principal company.
- (vi) Details i.e. CV/ profile of Director(s)/Shareholder(s) of the applicant company.
- (vii) True attested Copy of applicant company Registration with SECP.
- (viii) True attested Copy of Memorandum & Article of Association from SECP.
- (ix) True attested Copy of Form-29 from SECP.

- (x) True attested Copy of Form –A / Form-3 from SECP.
- (xi) Attested Copy of NTN Certificate of applicant company.
- (xii) Income Tax return of the applicant company for last two years.
- (xiii) Income Tax return of the Directors/ shareholders of the applicant company for last two years.
- (xiv) Financial Feasibility of applicant company.
- (xv) Bank statements of the applicant company for the last six (6) months.
- (xvi) Address of the Registered Business Office; information about the directors/shareholders; contact Person of the Principal Company along with their nationality and contact / e-mail details etc.
- (xvii) Proof regarding already operational status of the foreign TV channel for the last two (02) years, detail of up-linking station etc.
- (xviii) Attested copy of valid broadcast license of principal issued by the concerned foreign authority.
- (xix) Attested Copy of Distribution Agreement signed between applicant company & Principals.
- (xx) Attested Copy of the Agreement between Principal & the satellite company for up-linking facility.
- (xxi) Brief Channel Profile of the Principal Company.
- (xxii) Detail Presentation of Programming Contents (breakup on 24 Hours basis) including ratio of fresh and repeat program of the applied LRP channel.
- (xxiii) Undertaking for Non-default (**Schedule-B**)
- (xxiv) Undertaking for Compliance with PEMRA Laws, Terms & Conditions, Rules & Regulations and other relevant Laws (**Schedule-C**)
- (xxv) Undertaking for Non-Cross Media Ownership (**Schedule-D**)

- (xxvi) Undertaking that the applicant is not ineligible under section 25 of PEMRA Ordinance 2002 (Amendment Act 2007) (**Schedule-E**)
- (xxvii) Undertaking for Non-recipient/beneficiary of funds from foreign Government, Organization or individual. (**Schedule-F**)
- (xxviii) Checklist for financial feasibility of the company. (**Schedule-G**)
- (xxix) Undertaking for correct information (**Annex-I**).
- (xxx) Checklist for documents attached with the application (**Annex-II**)

Annex - I

UNDERTAKING

(To be submitted on stamp paper)

I/We _____, the applicant company(s) do hereby declare that the above facts are correct in all respects and nothing has been concealed or misrepresented therein. I/We also undertake that:

- (1) I/we shall respect the sovereignty, security, integrity and ideology of the Islamic Republic of Pakistan;
- (2) I/we shall respect the national, cultural, social and Islamic values and the principles of public policy as enshrined in the Constitution of the Islamic Republic of Pakistan and to safeguard the ideology of Pakistan;
- (3) I/we have read and understood the eligibility criteria and bidding procedure and shall strictly comply with the same in letter and spirit;
- (4) I/we, if granted a licence, shall comply with PEMRA Ordinance, rules and regulations made thereunder, the Code of Conduct, licence terms & conditions and instructions as notified by the Authority from time to time and pay licence fee, annual fee including such percentage of annual gross advertisement revenue as may be applicable, security deposit and all such other dues as notified by the Authority;
- (5) I/we, if granted a licence, shall broadcast programmes in the public interest specified by the Federal Government or the Authority in the manner indicated by the Government or, as the case may be, the Authority;
- (6) I/we shall abstain from broadcasting any programme or advertisement in violation of copyrights or other intellectual property rights;
- (7) I/we shall obtain NOC from PEMRA before import of any transmitting apparatus for broadcasting as required under Section 20 of the PEMRA Ordinance 2002;

- (8) I/we shall not sell, transfer or assign any of the rights conferred by the licence without prior written permission of the Authority;
- (9) I/we have provided all documents which are required to be submitted along with the application for Landing Rights permission channel and shall provide any further information if and when required by the Authority;

Signature on behalf of Applicant Company

Place _____

Date _____

RECEIPT

Received Rs. 200,000/- through Pay Order/Bank Draft
No. _____, from _____ dated _____
through _____ today, the _____, 20

For
Pakistan Electronic Media Regulatory
Authority, Islamabad

Annex-II

CHECKLIST FOR DOCUMENTS ATTACHED WITH THE APPLICATION

S. No	Details	Provided	Not provided
1	Duly filled application form along with application processing fee of Rs.200,000/-.		
2	Board resolution authorizing the filing of application for grant of Landing Rights Permission.		
3	Organizational information of applicant company.		
4	Attested copies of CNICs of the Directors of applicant company.		
5	Details i.e. CV/profile of Director(s)/Shareholder(s) of the principal company.		
6	Details i.e. CV/ profile of Director(s)/Shareholder(s) of the applicant company.		
7	True attested Copy of applicant company Registration with SECP.		
8	True attested Copy of Memorandum & Article of Association from SECP.		
9	True attested Copy of Form-29 from SECP.		
10	True attested Copy of Form -A / Form-3 from SECP.		

11	Attested Copy of NTN Certificate of applicant company.		
12	Income Tax return of the applicant company for last two years.		
13	Income Tax return of the Directors/shareholders of applicant company for last 2 years.		
14	Financial Feasibility of applicant company.		
15	Bank statements of the applicant company for the last six (6) months.		
16	Address of the Registered Business Office; information about the directors/shareholders; contact Person of the Principal Company along with their nationality and contact / e-mail details etc.		
17	Proof regarding already operational status of the foreign TV channel for the last two (02) years, detail of up-linking station etc.		
18	Attested copy of valid broadcast license of principal issued by the concerned foreign authority.		
19	Attested Copy of Distribution Agreement signed between applicant company & Principals.		
20	Attested Copy of the Agreement between Principal & the satellite company for up-linking facility.		
21	Brief Channel Profile of the Principal Company.		
22	Detail Presentation of Programming Contents (breakup on 24 Hours basis) including ratio of fresh and repeat program of the applied LRP channel.		
23	Undertaking for Non-default (Schedule-B)		
24	Undertaking for Compliance with PEMRA Laws, Terms & Conditions, Rules & Regulations and other relevant Laws (Schedule-C)		
25	Undertaking for Non-Cross Media Ownership (Schedule-D)		
26	Undertaking that the applicant is not ineligible under section 25 of PEMRA Ordinance 2002 (Amendment Act 2007) (Schedule-E)		
27	Undertaking for Non-recipient/beneficiary of funds from foreign Government, Organization or individual. (Schedule-F)		
28.	Checklist for financial feasibility of the company. (Schedule-G)		
29.	Undertaking for correct information (Annex: I)		

SCHEDULE-B**NON-DEFAULTER STATUS AFFIDAVIT
(TO BE ATTESTED BY OATH COMMISSIONER)**

I, _____ S/o _____
(Designation) _____ of
M/s _____ (hereinafter referred as "the applicant
company") do hereby solemnly state and affirm on oath that neither the applicant
company nor any of its CEO, Directors and shareholders are defaulter of
PEMRA, any financial institution, tax authorities or the Government of Pakistan
or any provincial and Local Government.

DEPONENT

VERIFICATION:

I, the above named deponent do hereby solemnly affirm on oath that the contents
of the above affidavit are correct and true to the best of my knowledge and
nothing has been concealed therein.

DEPONENT

SCHEDULE-C**AFFIDAVIT FOR COMPLIANCE
(TO BE ATTESTED BY OATH COMMISSIONER)**

I, _____ S/o _____
(Designation) _____ of M/s _____ (hereinafter
referred as "the applicant company") do hereby solemnly state and affirm on oath
that the applicant company and its CEO, Directors and shareholders shall abide
by the PEMRA Ordinance 2002, the Rules, Regulations, guidelines, eligibility
criteria, bidding procedure, Code of Conduct made thereunder and as amended
from time to time as well as the directions issued by the Authority from time to
time. I also undertake to pay the applicable licence fee, annual fee including the
percentage of the gross advertisement revenue or gross revenue as the case may
be as prescribed by the Authority from time to time.

DEPONENT

VERIFICATION:

I, the above named deponent do hereby solemnly affirm on oath that the contents
of the above affidavit are correct and true to the best of my knowledge and
nothing has been concealed therein.

DEPONENT

SCHEDULE-D**AFFIDAVIT - CROSS MEDIA OWNERSHIP**

(TO BE ATTESTED BY OATH COMMISSIONER)

I, _____ S/o _____
(Designation) _____ of M/s _____ (hereinafter referred as "the company") do hereby solemnly state and affirm on oath that neither the applicant company nor any of its CEO, Directors or shareholders directly or indirectly own, operate or manage any distribution service network e.g. cable TV, IPTV etc. which may disqualify for getting a broadcast media licence in terms of Rule 13 of the PEMRA Rules 2009.

DEPONENT

VERIFICATION:

I, the above named deponent do hereby solemnly affirm on oath that the contents of the above affidavit are correct and true to the best of my knowledge and nothing has been concealed therein.

DEPONENT

SCHEDULE-E**AFFIDAVIT - FOREIGN MEDIA OWNERSHIP**

(TO BE ATTESTED BY OATH COMMISSIONER)

I, _____ S/o _____
(Designation) _____ of M/s _____
(hereinafter referred as "the applicant company") do hereby solemnly state and affirm on oath that the applicant company is not ineligible for grant of licence in terms of Section 25 of the PEMRA Ordinance 2002 as amended from time to time or as provided in the eligibility criteria and bidding procedure.

DEPONENT

VERIFICATION:

I, the above named deponent do hereby solemnly affirm on oath that the contents of the above affidavit are correct and true to the best of my knowledge and nothing has been concealed therein.

DEPONENT

SCHEDULE-F

(To be provided on Stamp Paper worth Rs. 100/- duly attested by Oath
Commissioner/Notary Public.)

**Non-recipient/beneficiary of funds from foreign Government, Organization
or individual Specimen Undertaking**

Dated:

The General Manager (Licensing),
PEMRA, Headquarters,
Islamabad

Subject: **Non-recipient/beneficiary of funds from foreign
Government, Organization or individual Undertaking**

Dear Sir,

I/We Mr..... bearing CNIC No..... hereby declare that I/We am not
recipient or beneficiary of funds from any foreign Government, Organization or
agencies as required under Section 25 of the PEMRA Ordinance 2002
(Amendment Act 2007).

In case any violation of above the declaration is found, PEMRA can take legal
action against me/us according to PEMRA Rules and Regulations including
cancellation of permission and black listing of the company.

Name and signature of person.

SCHEDULE-G

**CHECKLIST FOR FINANCIAL FEASIBILITY OF THE APPLICANT
COMPANY**

S. No	Details	Provided	Not provided
1	Financial feasibility study of the project: i. Project cost with break-up. ii. Pro Forma Income Statement clearly showing sources of revenues i.e. subscription, advertisements and projected operating & non-operating expenses.		

	iii. Pro-Forma Balance Sheet iv. Pro Forma Cash Flow Statement v. Capital Equipment along with cost vi. Sources and uses of Funds statement vii. Break Even analysis i. Payback period ii. Debt to Equity Ratio		
2	Proposed time lines of project (Gantt chart)		

Note:

For details please refer to guideline for landing rights permission available on PEMRA website.

[F. No. PEMRA-1(09)/Secy./Gazette/2020/122.]

FAKHAR-UD-DIN MUGHAL,
Secretary to the Authority.