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PART III

Other Notifications, Orders, etc.

GOVERNMENT OF PAKISTAN

PAKISTAN ELECTRONIC MEDIA REGULATORY AUTHORITY  
(PEMRA)

NOTIFICATION

*Islamabad, the 16th March, 2012*

No. PEMRA 1(9)/Secy/Gazette/2012.—In exercise of powers conferred under Section 31& Section 19(4) of the Pakistan Electronic Media Electronic Media Regulatory Authority Ordinance 2002 as amended by the PEMRA (Amendment) Act 2007, the Authority is pleased to formulate the guidelines for temporary uplinking permission and revision of the tariff for temporary uplinking permission. The following guidelines for temporary uplinking permission and revision of the tariff for temporary uplinking permission are notified by the Pakistan Electronic Media Regulatory Authority.

(1363)

*Price Rs. 10.50*

[2438(12)/Ex. Gaz.]

## Guidelines for Temporary Uplinking Permission & Revision of Tariff

### 1. Procedure for Obtaining Permission:

1.1 The applicant may apply to the Authority on the prescribed application form along with all requisite documents (**Annex-I** in case of long term uplinking permission & **Annex-II** in case of short term temporary uplinking permission) including a demand draft/pay order for an amount equal to processing fee (non-refundable) for long term uplinking and prescribed permission fee in favor of PEMRA for short term permission at such rate as determined by the Authority from time to time whereas fee for long term uplinking permission shall be deposited by the applicant after fulfillment of legal requirements.

1.2 After scrutiny of the application / requisite document and fulfillment of eligibility criteria (**Annex-III**) including security clearance (in case of long term uplinking permission) and payment of permission fee as determined by the Authority, the company may be issued permission.

1.3 Long term uplinking permission may be granted for a period of one year which may be renewed / revalidated subject to satisfactory past performance and payment of applicable fee as prescribed by the Authority from time to time. Provided that in case of revalidation/renewal for the third (03) term & onward rise in fee @ 5% shall also be charged. However, applicant shall not have a vested right in renewal of the permission and the same shall be considered strictly on fulfillment of the criteria and payment of fee prevalent at the time of renewal.

1.4 The news/footage so uplinked by a short or long term permission holder shall primarily be for the usage abroad by the foreign news agency/channels and shall not be broadcast in Pakistan without Landing Rights Permission. Provided that the news/footage can be broadcast within Pakistan by TV channels licensed by the Authority.

### Part-I

### 2. Scope of the Permission

2.1 Category A (News up linking (Foreign and local News Agencies without carrying Advertisements))

2.1.1. The permission holder in Category "A" is allowed uplinking for newsgathering and its further distribution to other news agencies/broadcasters only.

- i. The signal / message (including sound, video, picture, etc.) can be uplinked through Satellite News Gathering (SNG) / Digital Satellite News Gathering (DSNG) system or Broadband Global Area Network (BGAN) and shall not be for direct reception by the general public but only through a licensed broadcaster or channel.
- ii. The permission does not cover advertisements *i.e.* advertisements are not allowed.

## **2.2 Category B (Sports TV channels having Event Rights)**

2.2.1. The permission holder in Category "B" is allowed to uplink the live sport event carrying /not carrying advertisements.

- i. The signal / message (including sound, video, picture, etc.) can be uplinked through SNG / DSNG system or BGAN and shall not be for direct reception by the general public but only through a licensed broadcaster or channel.

## **2.3 Category C (Entertainment / News (Carrying Advertisements))**

2.3.1. The permission holder in Category "C" is allowed to uplink the news and entertainment programmes on temporary basis.

- i. The signal / message (including sound, video, picture, etc.) can be uplinked through SNG / DSNG system or BGAN.

## **2.4 Category D (Event like Shows/Exhibitions/Award Ceremonies (Carrying Advertisements))**

2.4.1. The permission holder in "Category D" is allowed to uplink the live Shows/Exhibitions/Award Ceremonies carrying advertisements.

- i. The signal / message (including sound, video, picture, etc.) can be uplinked through SNG / DSNG system or BGAN and shall

not be for direct reception by the general public but only through a licensed broadcaster or channel.

## Part-II

### 3. Terms and Conditions

- 3.1 The permission holder shall:
- 3.1.1 not be permitted to operate the SNG /DSNG or BGAN system to provide telecommunication services.
  - 3.1.2 not be allowed to uplink TV programmes/ news for direct reception by public.
  - 3.1.3 obtain rights of the sports event from concerned authorities and shall provide proof of the same to the Authority along with application for short term uplinking or before uplinking of the event in case of long term uplinking already having permission of the Authority( in case of category B only).
  - 3.1.4 Uplink the TV programmes/news in encrypted mode from location through teleport/ uplink station as approved by the Authority.
  - 3.1.5 keep record of the uplinked materials for a period of 45 days in case of long term uplinking permission and for the entire period in case of short term uplinking permission and shall produce the same to the Authority as and when required.
  - 3.1.6 provide necessary monitoring facility at its own cost for monitoring of content by the representatives of Authority or any other Government agency as and when required and also permit to inspect the facilities / equipment etc. at any time as and when required.
  - 3.1.7 not use any equipment, which is identified as unlawful and / or render network security vulnerable.
  - 3.1.8 respect the sovereignty, security and integrity of the Islamic Republic of Pakistan.
  - 3.1.9 ensure its continued eligibility as applicable through out the period of permission and adhere to all the terms and conditions of the permission, failing which the company shall be liable for penalty as specified in PEMRA Ordinance,2002.

- 3.1.10 seek prior approval of the Authority (in case of long term uplinking permission) before effecting any change in the CEO/ Board of Directors.
- 3.1.11 ensure that uplinked news /programmes do not create violence, terrorism racial ethnic or religious discrimination.
- 3.1.12 furnish the list of its broadcasters, detail of services provided along with time / duration, content and such information in whichever form as may be required by the Authority.
- 3.1.13 shall be allowed uplinking only from the location specified in permission. If live uplinking is to be done from any other place, prior approval of the Authority shall be obtained.
- 3.1.14 comply with the Programme/Advertisement Codes, as laid down in the PEMRA Rules, 2009 and as amended from time to time.
- 3.1.15 comply with PEMRA Ordinance 2002, Rules and Regulations and any other directions / instructions issued by the Authority from time to time.
- 3.1.16 ensure that uplinking permission shall not be used for coverage/recording/uplinking of any sensitive area building where video/audio recording equipment is otherwise prohibited.
- 3.2. This permission is non-transferable and the permission holder can not sell transfer, lease, sub-assign etc. the benefits of this permission to any one else.
- 3.3. The uplinking facility shall not be used for political purposes.
- 3.4. The Authority has the right to suspend/revoke/withdraw the permission of the company for a specified period in public interest or in the interest of national security to prevent its misuse. The company shall immediately comply with any directives issued in this regard.
- 3.5. Failure to comply with the terms and conditions of the permission, PEMRA Ordinance, Rules, Regulations or any other directions etc. would result in revocation of permission.

**Annex-I**

**LIST OF DOCUMENTS TO BE SUBMITTED WITH THE**  
**APPLICATION**  
**(For Long Term Uplinking Permission)**

Following documents shall be enclosed with the application of Temporary Uplinking Permission:

S.No.	Description	Documents
1.	Company Profile	a. Names and CVs of Directors/CEO  b. Attested copies of CNICs / Passports of the Directors/CEO
2.	Company Registration with Securities & Exchange Commission of Pakistan (SECP)	a. True attested copy of Certificate of Incorporation  b. True attested copies of Memorandum & Articles of Association  c. True attested copy of Form-29  d. True attested copy of Form-A / Form-3
3.	National Tax Number	Attested copy of NTN Certificate of the company in case of local company only.
4.	Financial Strength	a. Audit Report of the company for last two years  b. Tax Return of the company/directors for last two years  c. Bank statement/Proof of bank a/c in Pakistan.
5.	Technical Feasibility	a. Technical literature of the equipment  b. Copy of Agreement with Satellite Operator/Foreign Company (if any)  c. List of prospective Clients

6.	NOC from PEMRA for bringing such equipment in Pakistan as required under section 20(h) of PEMRA Ordinance, 2002 (Amendment Act 2007). (in case equipment is already imported)
7.	Undertaking on Stamp Paper for Non-Default.
8.	Undertaking on Stamp Paper for Cross-Media Ownership.
9.	Undertaking on Stamp Paper regarding compliance with PEMRA laws, terms & conditions and other relevant laws.
10.	Undertaking on Stamp Paper for non-receipt of funding from any foreign Government or foreign agency or organization.

**Annex-II**

**LIST OF DOCUMENTS TO BE SUBMITTED WITH THE  
APPLICATION  
(For Short Term Uplinking Permission)**

Following documents shall be enclosed with the application of Temporary Uplinking Permission:

S.No.	Description	Documents
1.	Company Profile	Copy of Registration with the relevant bodies (SECP in case of Pakistani company), Details of Directors/C.E.O
2.	Core Bussiness of the Company	Description of major areas of operation/ activities of the company, detail of previous short term uplinking permission (if any) etc.
3.	Undertaking on Stamp Paper for Non-Default.	
4.	Undertaking on Stamp Paper for Cross-Media Ownership.	
5.	Undertaking on Stamp Paper regarding compliance with PEMRA laws, terms & conditions and other relevant laws.	

**Annex-III****ELIGIBILITY CRITERIA****a. Long Term Uplinking Permission (Local News Agencies)**

An applicant must fulfill the following eligibility requirements for pre-qualification for grant of long term uplinking permission:

- i. It must be a company or a body corporate and not an individual;
- ii. should not be a person who owns, controls or operates directly or indirectly any broadcast media licence or landing rights permission;
- iii. should not be recipients of funds from a foreign government, organization or individual;
- iv. should 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;
- v. not be a defaulter of Government or any of its organization, including PEMRA;
- vi. fulfill all other 'Terms and Conditions' of eligibility criteria, as provided in the PEMRA Ordinance 2002, Rules and Regulations made there under;
- vii. not involved in provision of any distribution service *i.e* Cable TV, MMDS etc to avoid Cross-Media Ownership.

**b. Short Term Uplinking Permission**

- i. It must be a company (foreign or local) or a body corporate and not an individual;
- ii. should not be a person who owns, controls or operates directly or indirectly any distribution networks;



- iii. not be a defaulter of Government or any of its organization, including PEMRA;

**Annex-IV**

**Tariff for Temporary Uplinking Permission**

	Category	Fee
<b>Category – A:</b> (Without carrying advertisements)	Short term Up linking (Foreign and Local News Agencies)	US\$ 100/- per day (for upto 30 days period).
	Long term Up linking (Local News Agencies)	US\$ 20,000/- per year
<b>Category-B:</b> (Sports TV Channel Having Event Rights)	i. Carrying Advertisement ii. No Advertisement	US\$ 1000/-per day US\$ 500/- per day
<b>Category-C:</b>	Entertainment/News Channels	US \$ 500/- per day.
<b>Category-D:</b>	Event like Shows/Exhibitions/ Award Ceremonies	US \$ 1000/- per day. (Up linking permission is issued on event basis )

**Processing Fee** (For Long term Uplinking Permission only): Rs: 20,000/- (non-refundable).

SOHAIL ASIF ALI KHAN,  
*Secretary to Authority.*