REGISTERED No. M - 302
L.-7646

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, MONDAY, DECEMBER 3, 2018

PART II

Statutory Notifications (S.R.O.)

GOVERNMENT OF PAKISTAN

PAKISTAN ELECTRONIC MEDIA REGULATORY AUTHORITY (PEMRA)

NOTIFICATION

Islamabad, the 16th October, 2018

S. R. O. 1462(I)/2018.— The Pakistan Electronic Media Regulatory Authority (PEMRA) in exercise of its powers conferred under sub-Sections (3) of Sections 4, 18, 19, 23 and other enabling provisions of the PEMRA Ordinance 2002 (Amendment Act-2007) and in compliance with the directions of the Hon'ble Supreme Court of Pakistan in the matter of Crl.Org Petition No. 108/2018 in HRC No 34069/2018 vide order dated 9.8.2018, hereby promulgates the PEMRA Registration/Accreditation of Television Audience Measurement (TAM)/ Rating Service Regulations-2018 for compliance of the companies interested in providing the TAM / Rating Services in Pakistan.

These regulations shall come into force at once.

Price: Rs. 40.00

[7444(2018)/Ex. Gaz.]

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

(a) "Application Form" means the form as contained in **Schedule-A;**

(b) "Applicable Registration/ Accreditation Fee" means the fee prescribed by the Authority for registration / accreditation by the Authority;

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

(d) "Authorized Officer" means the Chairman, Director General, Regional General Manager, officer in-charge of the respective region or any other officer authorized by the Authority for carrying out the purpose of these regulations;

(e) "Broadcaster" means a person engaged in broadcast media, except broadcast journalists not actively involved in the operation, ownership, management or control of the broadcast media;

(f) "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;

(g) "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'

(h) "Chairman" means the Chairman of the Authority;

(i) "Channel" means the set of frequencies that a broadcast station occupies for broadcasting;

(j) "Customer or Client" mean the broadcasters or Satellite TV licensees, channels of national broadcasters, landing rights permission holders, advertisers, media agencies etc. who subscribe to the Television Audience Measurement (TAM) data etc.

(k) "Code" means the Electronic Media (Programmes and Advertisements) Code of Conduct-2015;

(l) "Company" means a company as defined in the Companies Act 2017;

(m) "Distribution Service" means a service which receives broadcast and pre-recorded signals from different channels and distributes them to subscribers through cable, wireless or satellite options and includes Cable TV, LMDS, MMDS, DTH and such other similar technologies;

(n) "Earth station" means the ground based side of the satellite network used for up linking or down linking from satellites;

(o) "eligible channel" means a TV channel licensed by the Authority to be eligible for reception and broadcast in the country;

(p) "Frequency" means the frequency of the electromagnetic wave number measured in Hertz and used for transmission;

(q) "Force Majeure" means an event that is not reasonably foreseeable or is beyond his reasonable control.

(r) "foreign company" means a company or body corporate organized, and registered under the laws of a foreign government;

(s) "foreign content" means the content that is produced under the, direct or indirect, creative control of foreigners, foreign companies or foreign broadcasters;

(t) "free to air broadcasting service" means a broadcasting service made available to the public without subscription fee;

(u) "illegal operation" means to operate a rating system for provision of Television Audience Measurement (TAM)/ Rating Services without a valid registration/accreditation from the authority;

(v) "Joint Industry Regulatory Committee (JIRC)" means the committee constituted by the Authority and responsible for conducting establishment survey, performance audit through any third party and any other tasks which may be required to ensure transparency;

(w) "Landing Rights Permission holder" means a person who has

been granted license by the Authority for downlinking & marketing of a foreign TV channel within the territory of Pakistan';

(x) "licence" means a licence issued by the Authority to establish and operate a broadcast media or distribution service;

(y) "licensee" means a person to whom the Authority has issued a licence;

(z) "Member" means a member of the Authority;

(aa) "national broadcaster" means the Pakistan Broadcasting Corporation, the Pakistan Television Corporation and the Shalimar Recording and Broadcasting Company;

(bb) "Ordinance" means the Pakistan Electronic Media Regulatory Authority Ordinance, 2002, as amended by the PEMRA (Amendment) Act 2007;

(cc) "Panel Home" means a location where gadget is installed or from where data for television audience measurement is collected;

(dd) "Panel Size" means the number of people meters / gadgets installed for the purpose of providing the rating service; for the purpose of these regulations, the panel size shall be as per the sample size;

(ee) "Person" includes an individual, partnership, association, company, trust or corporation;

(ff) "Programme" means the systematic broadcasting of visual or sound images by a broadcast station but does not include an advertisement;

(gg) "Rules" means the rules made under the Ordinance;

(hh) "regulations" means the regulations made under the Ordinance;

(ii) "Sample size" means the count or number of individual gadgets and shall be a minimum combined of 2000 households with proportional geographical distribution of gadgets as per market share of the services.

(jj) "Schedule" means the schedule annexed to these regulations;

(kk) "Television Audience Measurement (TAM) or Television Rating Points (TRP) or television rating service" means a system of measurement for what is being viewed as well as who has viewed on a television.

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 there under.

2. Scope of the Television Audience Measurement (TAM)/ Rating Service Registration/ Accreditation:

2.1 The registered/accredited company for Television Audience Measurement (TAM)/ Television Rating Points (TRP) (*hereinafter referred to as TAM Service*) shall be allowed to set up and operate a rating system for provision of TAM Services of all satellite TV channels licensed by the Authority, foreign TV channels having landing rights permission of the Authority, TV channels of national broadcasters to clients including broadcasters, advertisers, advertising agencies, media buying houses or agencies, production houses, licensed cable / distribution network operators, any private or public sector research organizations or any entity interested in rating data which chooses to subscribe to the rating service.

2.2 The registered/ accredited company shall be authorized to provide TAM Service anywhere in Pakistan.

2.3 The registered/ accredited company shall not originate / produce content on its own as a broadcaster/ satellite TV channel/landing rights permission holders or national broadcaster and shall not be involved in advertising business either directly or indirectly.

2.4 The registered/ accredited company shall immediately discontinue the provision of TAM service to satellite TV channel, foreign TV channel or any cable / distribution network operators the license/landing rights permission of which has been suspended, cancelled or revoked by the Authority.

2.5 The registered/ accredited company shall cover, in its TAM service, all the licensed TV channels, landing rights permission holders of the Authority, licensed cable/distribution network operators, national broadcasters for the purpose of rating, without any discrimination or prejudice as per its technical capability.

3. Eligibility Criteria for Applicants:

3.1 Each applicant must be a company registered with the Securities and Exchange Commission of Pakistan (SECP) under the Companies Ordinance 1984.

3.2 An applicant shall not control, directly or indirectly, more than one TAM service registration/accreditation.

3.3 An applicant must haye a minimum paid-up capital of Rs. 7.5 Million.

3.4 An applicant must not be holding, directly or indirectly, any broadcast media licence or a landing rights permission of the Authority.

3.5 The management control and majority shareholding of the applicant company shall vest in the local nationals.

3.6 The object clause in the Memorandum of Association (MoA) of the applicant company shall allow entry into the TAM service or market research services.

3.7 The Memorandum of Association (MoA) of the applicant company shall not include provision of broadcasting, landing rights or advertising services or any such advisory role, which shall lead to a potential conflict of interest with its main objective of rating service.

3.8 Any Director or shareholder of the applicant company, directly or indirectly, shall not be in the business of broadcasting, landing rights permission, advertising services or any other service which may lead to conflict of interest with rating service.

3.9 The applicant company or any of its Directors/shareholders must not be defaulter of PEMRA, any financial institution, tax authorities or government of Pakistan or any provincial / local government.

3.10 The applicant company shall comply with the following cross holdings requirements:

(a) The applicant company, either directly or through its associates or inter-connected undertakings, shall not have equity holding in other rating agencies, broadcasting licensees, landing rights permission holders, advertisers, advertising agencies and national broadcasters.

(b) The applicant company, either directly or through its associates or inter-connected undertakings, shall have no equity holding in more than one rating agency.

(c) Any Director/ shareholder or Member of the Board of Directors of the applicant company shall not have any stakes in any broadcaster/ landing rights permission holder or advertiser either directly or through its associates or inter-connected undertakings.

3.11 The applicant company shall be in compliance with relevant PEMRA laws, these regulations and any other relevant directives issued by the Authority from time to time.

3.12 The applicant company shall demonstrate that it has sufficient financial and technical resources to launch, establish and operate the TAM service.

3.13 The Chief Executive Officer of the applicant company (in case he or she is a Director or shareholder in the company) shall be resident Pakistani.

3.14 The rating agency shall be exempted from the requirements of security clearance from Ministry of Interior, public hearing and provincial consultation.

4. Period of Registration/Accreditation:

4.1 The registration/accreditation shall be valid for a period of five (5) years, on non-exclusive basis, from the date of its issuance, subject to compliance with these regulations, terms & conditions of registration/accreditation, any directions of Authority issued from time to time and payment of requisite fees & taxes etc.

4.2 The registration/accreditation granted to the company shall be non-transferable, except with the prior written approval of the Authority.

5. Documents Required along with Application:

The applicant company shall submit following documents along with application:

5.1 The applicant company shall submit the duly filled application form **(Schedule-A)** along with all information required therein; any missing information may lead to disqualification.

5.2 Board Resolution of the applicant company authorizing filing of the application for registration/accreditation of TAM service.

5.3 True attested Certificate of Incorporation, Memorandum & Articles of Association and Forms from SECP regarding ownership/management of the Applicant Company, the holding & Shareholding Company (if any) in the applicant e.g. Form A, Form 29, Form 3 (if any), etc.

5.4 Copy of NTN certificate of the applicant company & where applicable that of its holding company, any shareholding company etc.

5.5 A description of the applicant company's ownership and control structure, including its holding company, any shareholding company (if any) etc.

5.6 Names, detailed CVs, NTN & income tax filer certificates of the Directors shareholders of the applicant company & where applicable, those of the holding company, any shareholding company etc.

5.7 Attested copies of CNICs of Directors and shareholders or Passports of the Directors (in case of foreigner).

5.8 Summary of other businesses of the applicant company, if any.

5.9 Audited accounts/financial statements of recent last two years of the applicant company including those of its holding company or any of its shareholding company, where applicable.

5.10 Income tax returns of the applicant company, its shareholding or holding company, where applicable, for recent last two years, otherwise the tax returns/tax filer certificates of the Directors/ shareholders, for the last two years.

5.11 Bank statement of the applicant company for last one year or in case of new company proof of bank account of the applicant company and bank statements having details of last one year of the Directors / shareholders of the company.

5.12 Detailed financial feasibility.

5.13 Detailed technical feasibility.

5.14 Demand Draft or Pay Order in favour of PEMRA amounting to rupees two hundred thousand only (Rs. 200,000/-) as application processing fee, which shall be non-refundable.

5.15 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 and that the company or any of its Directors or shareholders have never been blacklisted **(Schedule-B);**

5.16 Affidavit of applicant company that it shall abide by all relevant PEMRA Laws, terms of registration and directions issued by the Authority from time to time **(Schedule-C);**

5.17 Affidavit of the applicant company that neither the applicant company nor any of its Directors or shareholders are directly or indirectly owning, controlling or operating any broadcasting, landing rights, advertising or any other television rating service **(Schedule-D);**

5.18 Affidavit to the effect that all information submitted along with the application are true and nothing has been concealed or misrepresented therein. Any concealment of facts or misrepresentation revealed subsequently may result in disqualification of the applicant and or cancellation of registration/accreditation **(Schedule-E).**

5.19 Soft/scanned copy of the filled application form and all allied documents.

6. Registration/Accreditation Fee including Annual Fee:

Detail of fee including annual fee, security deposits, taxes etc. for the TAM service shall be as given below or as determined by the Authority from time to time.

S. No.	Description	Amount (Rs.)
1	Application Processing Fee (Non-refundable)	200,000/-
2	Applicable Registration/Accreditation Fee (ARF)	5 Million
3	Applicable Taxes	The company shall pay all the taxes applicable as per policy of Government of Pakistan. Advance tax, if any, shall be payable up front.
4	Proposed Annual Fee	1.5 million.

7. Methodology for Audience Measurement:

7.1 The company shall employ a rating process /methodology that conforms to the best international standards and the rating system shall comply with the Global Guidelines for Television Audience Measurement (GGTAM) of the European Broadcasting Union or other guidelines as adopted from time to time by the Authority.

7.2 Viewing Platform:

7.2.1 The technology to be deployed shall include audio watermarking, video or image matching or any other state of the art technologies available and shall capture data across multiple viewing platforms to be covered wherever feasible.

7.2.2 The sample size selected for rating shall cover all demographics.

7.2.3 The accuracy (confidence interval) of rating shall be more than 90%.

7.2.4 The samples shall be randomly selected.

7.3 Guidelines for Panel selection:

For people meter based TAM service, following principles shall be complied by the rating agency:

7.3.1 The panel homes for audience measurement shall be drawn from the pool of households selected through an establishment survey representing all demographics on non-discrimination basis.

7.3.2 The establishment survey shall at least be carried every two years to reflect changes in growth of TV homes, changes in demographics, growth in new delivery platforms like internet, variations of growth across markets etc.

7.3.3 The selection of panel homes, from the household pool created through establishment survey, shall be based on distribution of target viewership for a particular segment like age group, Living Standard Measure (LSM), gender, working status, multiple delivery platforms, all provinces and urban & rural markets.

7.3.4 The panel size shall be reasonably large enough (refer to the sample size in regulation 2 above) to be considered as representative of all television households in the country and same shall be increased @ 5% of the initial panel size every year.

7.3.5 Geographic representation, where feasible, shall be provided in proportion to all the TV viewing population.

7.3.6 The rating agency shall not include any officer, employee or any other member, of satellite TV channel licensee, national broadcaster, landing rights permission holder, advertisers and advertising agencies, in the audience measurement panel.

7.3.7 The panel homes shall be updated periodically to reflect the developments taking place in the delivery platforms, growth in viewership etc.

7.3.8 Twenty (20) percent of the panel homes shall be rotated every year. The rotation shall be in such a manner that older panel homes are removed first while maintaining the representativeness of the panel. Such rotation shall be achieved in a staggered manner.

7.3.9 The rating agency shall use necessary algorithms to detect outliers having unusual viewing behavior and in case of any such detection, shall discard the rating data. This may include but not limited to continuous watching for six to seven hours of a particular TV channel for a number of consecutive days etc.

7.4 Secrecy and privacy:

The accredited / registered company for rating service shall maintain secrecy and privacy of the panel homes in all circumstances and shall not be disclosed by the rating agency to any person.

7.5 Data Analysis:

7.5.1.1 All weighting or data adjustment procedures utilized by the rating agency in the process of converting basic raw measurement data to rating reports shall be based on systematic and logical procedure and applied consistently.

7.5.2 Any shortcomings, deficiencies, limitations in the rating system shall be clearly disclosed in the rating reports and also brought to the notice of users of the rating system.

7.5.3 In the event that a rating agency identifies an attempt to biased measurement results by a panel home's submission of fabricated information, it shall eliminate such cases from analysis. In the event that such cases have been included in published data, the agency shall be required to assess the effect on results and notify users about the same along with indication of its practical significance.

7.6 Transparency:

7.6.1 The procedure adopted for selection of panel homes and the rotation of the panel homes shall be made transparent.

7.6.2 The Rating agency shall submit the detailed methodology it uses to the Authority and also publish it on its website.

8. Complaint Handling:

8.1 The rating agency shall ensure the following in relation to handling of complaints received from the clients:

8.1.1 Every rating agency shall employ an effective complaint redressal system.

8.1.2 Rating agency shall take necessary steps to address all queries or redress complaints at the earliest but not later than seven (7) working days of receipt of such queries or complaints.

8.1.3 Any complaint not addressed within the stipulated time period by the rating agency shall be reported to the Appellate Forum immediately but not later than seven (7) days.

8.1.4 The rating agency may also file complaints related to the rating service against any client, the broadcasters or landing rights permission holders.

8.2 Establishment of an Appellate Forum for Handling of Complaints:

8.2.1 The Chairman shall constitute a Forum comprising of representatives from the Operations (Broadcast Media), Licensing (Broadcast Media), Legal Wing and two nominees of the Pakistan Advertising Society (PAS) which shall act as the Appellate Forum for redressal of complaints, in case a complainant is not satisfied with the redressal of his grievance by the rating agency within the stipulated time period.

8.2.2 The nominees of PEMRA and PAS in the Appellate Forum shall not be the members of JIRC and vice versa.

8.2.3 The decision of the Appellate Forum shall be taken by the majority of its members present. Three members, out of which at least one shall be from PAS, shall constitute a quorum for meetings of the Appellate Forum. The meeting shall be chaired by a member to be elected by the members present.

8.2.4 The Appellate Forum may engage an independent technical consultant, local or international that can help the Appellate Forum review the complaint and audit the data, where needed.

8.2.5 The Appellate Forum shall also hear complaints against the decisions of Joint Industry Regulatory Committee (JIRC).

8.2.6 The procedure for filing an appeal shall be available on the rating agency's website.

8.2.7 Appellate Forum shall dispose of such complaints preferably within a period of thirty (30) days from the date of receipts of complaints/appeals.

8.2.8 The Appellate Forum shall have the power to recommend fine up to rupees one million to the Chairman, after giving reasonable opportunity to show cause and a hearing. The Chairman may approve the recommendation of the Appellate Forum or disagree with the same while recording reasons in writing and pass such order as deemed appropriate.

Provided that in cases of 'panel interference', which is a deliberate breach by a broadcaster or any party to influence panel homes or tamper with the data by any other means in its favor, if

the allegations are proven, the Appellate Forum shall recommend to the Chairman a fine up to rupees one million on the violator.

Provided further that in a case where the violation is of severe nature, the Appellate Forum shall recommend to the Authority, suspension or revocation of the registration of the rating agency.

8.3 Maintenance of Records of Complaints and Publication of Complaints:

8.3.1 Rating agency shall maintain records of all complaints with them and such records shall include docket number, name and address of complainant, date and time of filing complaint, type of complaint, redressal date.

8.3.2 The records shall be maintained for a minimum period of ninety days from the date of redressal of complaint and the rating agency shall produce the same as and when required by the Authority.

9. Sale and Use of Rating Data:

The rating agencies shall be required to adhere to the following principles related to sale and use of rating data:

9.1.1 The rates for rating data/reports shall be non-discriminatory and transparent and the rate card for rating data/reports shall be published on its website by the rating agency.

9.1.2 The data generated by the rating agency shall be made available to all its clients in a transparent, equitable and non-discriminatory manner.

9.1.3 Use of such data shall be governed by the terms and conditions specified in the agreement between the rating agency and the client. However, the terms & conditions shall be non-discriminatory and in accordance with the relevant laws of the land.

9.1.4 The rating agency shall publish the categories of data/reports available for use along with the terms and conditions on its website.

9.1.5 The rating agency shall allow free of cost access to its rating system to an employee designated by the Chairman of the Authority for regulatory purposes.

10. Disclosure:

The following information shall be disclosed by the rating agency on its website:

10.1 Detailed rating methodology in clear terms including possible sources of errors.

10.2 Details about the coverage in terms of geographical and other Living Standard Measure (LSM) representation.

10.3 Quality control procedures with respect to all external and internal operations which may reasonably be assumed to exert significant effects on the final results.

10.4 Rate card for the various services, reports and any rebate offered thereon.

10.5 Complaint redressal statistics.

10.6 Feedback/Comments/viewpoints of the users of the rating data.

10.7 The categories of data/reports/services available along with the terms and conditions on its website.

10.8 Any other relevant details.

11. Reporting requirements:

The rating agency shall be required to annually submit the following reports to the Authority:

11.1 Audited financial statements verified by chartered accountants within the meaning of the Chartered Accountants Ordinance 1961.

11.2 Annual report of the rating agency.

11.3 True SECP attested copies of Form-29, Form-A, Form-3 (if any).

11.4 Details of equity structure, share-holding pattern including foreign investment/joint venture/associates in the rating agency. Changes during the reporting period, if any, shall be reported immediately.

11.5 Details of key management officers such as CEO, CFO, CTO etc. and Board of Directors.

11.6 Details of coverage & categories of rating services being provided.

11.7 Detail of establishment surveys carried out, increase in panel size, technology used etc.

11.8 Subscription and revenue details.

11.9 Any agreement between the rating agency and any of its clients for provisioning of rating service if so required by the Authority.

11.10 Any other information and reports in whatever form within such time as may be asked for by the Authority from time to time.

11.11 The information provided by the rating agency shall be correct and any misinformation or concealment of any relevant detail shall result in initiation of legal action which may result in imposition of fine up to rupees one million, suspension or revocation of the registration/accreditation of the rating agency/company.

12. **Requirement for Audit:**

12.1 The rating agency shall set up an internal performance audit mechanism for ensuring that its internal processes are open, fair and transparent and the provisions of these regulations, other relevant PEMRA laws and any other directions issued by the Authority are being followed in letter and spirit.

12.2 An annual (financial year) audit shall be carried out by the rating agency through independent and qualified chartered accountants within the meaning of the Chartered Accountants Ordinance 1961.

12.3 Any direction of the Authority regarding performance audit shall be complied with by the rating agency.

12.4 The Authority reserves the right to conduct the audit of the systems/procedures/mechanisms of the rating agency at any time, through a third party at the cost of the rating agency if deemed required.

13. **Renewal of Registration / Accreditation:**

A company/rating agency desirous of getting its registration renewed may apply to the Authority for renewal of its registration at least six months prior to expiry of its current registration and the Authority may renew it for such terms as deemed appropriate subject to:

a. Fulfillment of eligibility criteria and other conditions as provided in these regulations.

b. Satisfactory past performance.

c. Proof of registration with tax authorities for income tax and sales tax.

d. 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.

e. Payment of renewal / registration fee as applicable at the time of renewal.

f. Payment of outstanding dues that are held by the applicant.

Provided that the Authority may decide not to renew registration beyond the expiry date of the on-going term after recording reasons in writing.

14. **Requirement for No Objection Certificate for Import of Equipment related to TAM service:**

The registered / accredited company shall be required to obtain NOC for import of equipment related to TAM service from the Authority as per Pakistan Electronic Media Regulatory Authority (Import of Electronic Media Equipment and Transmitting Apparatus for Broadcasting, Distribution and Teleporting Operations) Regulations, 2018.

15. **Penalties for Violations:**

15.1 Where a company/registered rating agency is found involved in any violation of the provisions of these regulations including default on payment of fee/charges or any other directions issued by the Authority, an authorized officer may, after the company

registered rating agency has been provided opportunity for show cause and personal hearing, initiate legal action which may result in imposition of fine up to rupees one million.

Provided that in a case where the violation is of a severe nature, the authorized officer shall recommend to the Authority suspension or revocation of the registration/accreditation of the rating agency/ company.

15.2 In a case where even after cancellation of registration, the company/rating agency is running its operation illegally, the authorized officer shall have the following powers;

(a) To seize equipment, or seal the premises which is being used in contravention of these regulations or any other law.

(b) 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 these Regulations.

(c) To file and defend Court cases and sign plaints, replies, comments including filing a criminal complaint upon violation of these regulations.

15.3 The company/rating agency aggrieved of any decision or order of the Chairman or the Authority may within thirty (30) days of the receipt of such a decision or order, prefer an appeal to the High Court under Section 30-A of the PEMRA Ordinance 2002.

16. **Exclusion of monopolies in the rating service:**

The rating agency shall not indulge in any monopoly in violation of Section 23 of the PEMRA Ordinance 2002 (Amendment) Act, 2007.

17. **Formulation of Joint Industry Regulatory Committee:**

17.1 There shall be a Joint Industry Regulatory Committee (JIRC) which shall function independently.

17.2 The JIRC shall consist of the following:

(a) Advertisers

(b) Broadcasters

(c) Media agencies

(d) PEMRA

17.3 The JIRC shall be led by an independent Chairman nominated by the members.

17.4 The JIRC shall be responsible for conducting establishment survey and performance audit through a third party etc. and any other tasks which may be required to ensure transparency in the TAM services.

17.5 The Chairman of JIRC shall not belong to any business that may have any potential conflict of interest.

17.6 The members shall be elected for a period of one year.

17.7 The Authority may issue guidelines for role and functioning of JIRC in consultation with the stakeholders.

18. **Roll out / Start of TAM Service Operation:**

The registered /accredited company shall be required to roll out / start provision of the TAM service within 6 months of the registration / accreditation.

19. **Indemnity:**

No suit, prosecution or other legal proceeding shall lie against the Federal Government or any other Provincial Government or Local Authority or any other person exercising any power or performing any function under these regulations or for anything which is in good faith done or purporting or intended to be done under these regulations.

Schedule-A

APPLICATION FORM FOR THE REGISTRATION/ ACCREDITITION OF THE

TELEVISION AUDIENCE MEASUREMENT (TAM)/RATING SERVICE

(To be submitted in triplicate)

- To be submitted 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 **(Annex-I);**

1. **Profile of the applicant company**

Company Name _____

Name of the CEO _____

CEO National Identity Card & Passport No. _____

Company registration No. _____

National Tax No. _____

Date of establishment/incorporation _____

Business Address _____

Mailing Address _____

Telephone No. _____ Cellular No. _____

Fax No. _____ Email _____

Website

Does the company have, or will it have offices outside Pakistan? If so, please specify the countries _____

Location of applicant's Head Office _____

Paid-up Capital of the Company Rs. _____

Bank account details for any reimbursement in future (if any) _____

_____

Amount of application processing fee paid Rs. _____

Bank Draft/Pay Order No. _____

Please attach the pay order for processing fee in original.

Projected date of start of operation: _____

2. **Information to be provided:**

The following information and documents need to be provided.

	Supplied Yes/No	Remarks
2.1 **Company registration** a. Certificate of Incorporation with SECP b. Statutory Returns c. Memorandum & Articles of Association d. Forms regarding ownership/ management of the applicant company, e.g. Form A, Form 29, Form 3, etc. e. Copy of NTN certificate		
2.2 clear, comprehensive and detailed view of the candidate ownership and control structure, including sister companies. a. Description of ownership & control structure		

b. Description of all direct and indirect relationship with companies or individuals who own, control or operate directly or indirectly any broadcast media licence or landing rights permission, including any common shareholder, director or ultimate beneficiary.		
c. Description of all direct and indirect relationship with companies or individuals who own, control or operate directly or indirectly any broadcast media/rating service including any common shareholder, director or ultimate beneficiary if any.		
d. Forms provided for identifying foreign shareholding of the applicant company		
e. Forms provided for identifying foreign shareholding of foreign companies that hold shares in the applicant company		
f. List of Directors and shareholders with details of their shareholding, relations to other PEMRA licensees and applicants if any		
2.3 Company profile		
a. Names of the members of the Board Directors and the shareholders, along with their detailed CVs, an attested copy of CNIC & copies of passport (in case of foreign nationals), their job description and responsibility in the Company.		
b. Description of the rating service experience of the company, of key management personnel and of key shareholders if any		
c. Organisation chart		
d. Other businesses (if any) of the company		
e. The audited financial statements of the company for the last 2 years where applicable		
f. Tax return for the company for the most recent two years; if not applicable, the tax returns / filer certificates of the Directors of the company for the last two years.		
g. List of other companies in which the Directors hold shares or position, directly or indirectly.		

2.4	**Summary of the rating services company intends to provide:**		
2.5	**Description of the financial capability of the company**		
2.6	**Summary of the project financial feasibility, including:**		
a.	Brief Description of the project		
b.	Capital costs with break-up		
c.	Forecast balance sheets, profit & loss accounts / income statements and cash flow statements for the first 5 years of operation showing the source of revenues (subscriptions, advertisement, etc.)		
d.	Break-even analysis & payback period, Sources of financing, foreign and local, including equity and long term debt and debt to equity ratio.		
e.	Brief description of committed financial resources to meet capital and operational expenditures of the project for the 1st year, with relevant proofs, such as bank statement of company's accounts, letter of intent or memorandum of understanding signed with the relevant investors or banks. If such financial commitments are from foreign company shareholders, include evidence of the foreign shareholder board resolution authorising the investment for the TAM services.		
2.7	**Summary of the project technical feasibility.**		
2.8	**Description of how the company will contribute to the economic and social objectives such as:**		
a.	Generating economic activity		
b.	Generating direct and indirect employment		
c.	Attracting private sector investment and FDI in electronic media		
2.9	**Undertakings and affidavits and Power of attorney**		
a.	Undertaking as per annexures		

b. Power of Attorney, on stamp paper and executed, notarized, witnessed, stamped and authenticated as required by law, as evidence for grant of authority in individual signing the application and related documents.		
2.10 Board resolution Board resolution of the applicant company authorizing filing of the application for Registration/accreditation of Rating Service		

3 Organizational Setup

3.1 Details regarding Ownership / Control of the Company:

(Information regarding CEO, Directors and Shareholders).

S. No.	Name	Father/ Spouse name	Home Address	Nationality	Position in the Company	NIC #	Extent of Share	Any other details

(Please attach organisational chart/financial standing/position. Use separate sheets if required)

3.2 Names and addresses of the ultimate beneficial ownership of the Company

S. No.	Name, address, NIC Number, Passport No.

(* Use additional sheet if required)

3.3 Details of other applications of the company under process with the Authority (if any)

S. No.	Description /Category/ Application for	Date of Application	City/Area/ Region	Any other details

4 SHAREHOLDING PATTERN OF APPLICANT COMPANY

Shareholding of (company name) _____

As of (date) _____

Face value of the Share, Rs. _____

S. No	Category of Shareholders	Shareholding			
		Direct Investment		Indirect Investment	
		No. Of shares	% of total Paid Up capital	No. of shares	% of total Paid Up capital
1	Local individual				
2	Local company*				
3	Foreign individual				
4	Foreign company				
5	Non-Resident Pakistani				
6	Any other				

* The shareholding information of any local shareholding company shall also be provided.

UNDERTAKING

TO BE ATTESTED BY OATH COMMISSIONER ON STAMPED PAPER OF RS. 100 or above.

I/We_____, the applicant company do hereby declare that the all facts given herein are correct in all respects and nothing has been concealed or misrepresented therein. I/We also undertake that:

- I/we shall respect the sovereignty, security, integrity and ideology of the Islamic Republic of Pakistan.
- 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.
- I/we have read and understood the eligibility criteria and shall strictly comply with the same in letter and spirit.
- I/we, if registered, shall comply with relevant PEMRA laws, these regulations, terms & conditions and directions issued by the Authority from time to time and pay the requisite fee, annual fee etc.
- I/we shall obtain NOC from the Authority before import of any equipment under Section 20 of the PEMRA Ordinance 2002.
- I/we shall not sell, transfer or assign any of the rights conferred by the registration without prior permission of the Authority.
- I/we have provided all documents which are required to be submitted along with the application for registration of rating agency and shall provide any further information if and when required by the Authority.

Seal of the Company

Signature of Applicant

For and on behalf of

M/s. _____

Place _____

Dated _____

Attested by Magistrate 1st Class on stamped paper of Rs. 100 or above

RECEIPT

Received Application Form S. No. _____along with Application

Processing Fee, amounting Rs. _____ through Pay Order/Bank Draft No._____

_____ from Bank_____

_____today on _____(date).

For Pakistan Electronic Media Regulatory Authority, Islamabad

SCHEDULE-B

NON-DEFAULTER STATUS AFFIDAVIT

(To be provided on Stamp Paper of Rs. 100 or above and 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.

M/s _____ do hereby solemnly state and affirm on oath that neither the applicant company nor any of its CEO, Directors and shareholders have ever been blacklisted by PEMRA, any organization of the Government of Pakistan or any other 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 provided on Stamp Paper of Rs. 100 OR above and 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 relevant PEMRA laws, regulations, terms & conditions, as well as the directions issued by the Authority from time to time. I also undertake to pay the applicable registration fee, annual fee etc as provided for in these regulations or as approved by the Authority from time to time and applicable taxes.

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 provided on stamp Paper of Rs. 100 or above and 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 broadcast media licenses, landing rights or an advertising agency or any other rating agency or any TV advertisement business.

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 FOR CORRECT INFORMATION

(To be provided on stamp Paper of Rs. 100 or above and 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 all the information submitted alongwith the application and documents provided are true and nothing has been concealed or misrepresented therein and that any concealment of facts or misrepresentation revealed subsequently may result in our consequent disqualification and or cancellation of our registration as the case may be.

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

ANNEX-I

AUTHORITY LETTER

(To be submitted on Stamp Paper of Rs. 100 or above, duly attested by Oath Commissioner, accompanied with Board Resolution)

M/s (the Applicant Company) ---------- ----- ---- --- hereby authorize

Mr./Ms. ----------S/o/D/o ----------

holding CNIC No. / Passport No.----------(attested copy attached) Designation --------- of the applicant company to submit application for registration / accreditation for rating service and make any statement or give any undertaking on behalf of the company.

[F. No. PEMRA-1/(09)/Secy./Gazette/2018.]

Chief Executive Officer
Seal/Stamp of the Applicant Company
Date:

(Attorney)
Bt

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

PRINTED BY THE MANAGER, PRINTING CORPORATION OF PAKISTAN PRESS, ISLAMABAD
PUBLISHED BY THE DEPUTY CONTROLLER, STATIONERY AND FORMS, UNIVERSITY ROAD, KARACHI

REGISTERED No. M - 302
L.-7646

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, TUESDAY, DECEMBER 31, 2019

PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF PAKISTAN

PAKISTAN ELECTRONIC MEDIA REGULATORY AUTHORITY (PEMRA)

NOTIFICATION

Islamabad, the 20th November, 2019

PEMRA Registration / Accreditation of Television Audience Measurement (TAM)/Rating Service Regulations-2018 as Amended in 2019

S.R.O 1668(I)2019.—In exercise of the powers conferred by sub section (3) of sections 4 read with all other enabling provisions of PEMRA Ordinance 2002 (Amendment) Act, 2007, the Pakistan Electronic Media Regulatory Authority (PEMRA) is pleased to notify the following amendment in PEMRA Registration / Accreditation of Television Audience Measurement (TAM)/Rating Service Regulations-2018:

Price : Rs. 5.00

[1957(19)/Ex. Gaz.]

Short title and Commencement:—The regulations shall be called "PEMRA Registration / Accreditation of Television Audience Measurement (TAM)/Rating Service Regulations-2018 as amended in 2019:"

6. **Registration/ Accreditation Fee including Annual Fee:**

S. No.	Description	Amount (Rs.)
5	Fee for Change of Directors/Management/Transfer of shares[1]	250,000/-

[1]inserted through amendment in 2019.

[F. NO. PEMRA-1(09)/Secy./Gazette/2019/082.]

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

PRINTED BY THE MANAGER, PRINTING CORPORATION OF PAKISTAN PRESS, ISLAMABAD.
PUBLISHED BY THE DEPUTY CONTROLLER, STATIONERY AND FORMS, UNIVERSITY ROAD, KARACHI.