

# PUBLIC NOTICE

Pakistan Broadcasters Association (PBA), the sole elected representative body of all the licensed media channels of Pakistan take serious notice of the alarming development that PEMRA and the Government of Pakistan are at the brink of placing DTH-based carriage and distribution of local media industry in to the hands of foreign companies, that too without consultation with local media industry.

Virtually, no reason has been given by PEMRA as to why they have decided to give DTH carriage platform to foreign companies when neither local broadcaster nor cable operator can be owned and managed by foreign entities.

This shockingly absurd decision of PEMRA may have been justified if, despite their best efforts, no local media group had shown any interest in acquiring DTH license but sadly, instead of soliciting local media interest on acquiring DTH license, PEMRA has specifically prohibited them from participating in DTH license bidding process. In other words, local media houses are precluded from carrying local media content while foreign entities are found to be suitable.

The situation described above is serious and alarming for PBA and, as the sole representative body of local electronic media industry of Pakistan, and having a legal duty to protect the interest of local media industry and of each of its members, PBA feels it is its duty to place on record its basic concerns and also the reasons why this initiative of PEMRA will not succeed:

1. Under PEMRA laws license cannot be granted to any entity that is owned or controlled by foreign entity.
2. Grant of DTH license to foreign entity is illegal and contravention of PEMRA laws.
3. PEMRA failed to consult with key stakeholders i.e. local broadcasters or PBA members.
4. The government does not make any policy change in sales tax and customs duty regime with regard to textile industry without first consulting and taking on board the concerns of the textile industry of Pakistan, through their representative body APTMA.
5. Government is in the middle of discussion sessions with real estate agents and stake holders to address their concern that their business is going to be adversely affected if the government insisted on all sale deeds to reflect actual prices of immovable properties sold every year.
6. In the case of PIA privatization, government has held detailed negotiations with employees of PIA and has gone out of the way to address their concerns.
7. How can process for grant of DTH license be said to promote broadcast industry when that very industry has not been invited for a meeting, consulted, taken into confidence and explained how the particular elements of the grant of DTH license are meant to promote instead of damage the electronic media industry.
8. PEMRA even has not bothered to use the industry's expertise to fine tune its decision to grant DTH licenses.
9. The fact that PEMRA did not care to consult PBA even as an advisor and a consultant makes PEMRA's decision to grant DTH license in Pakistan against the interest of electronic media industry of Pakistan.
10. By disallowing distribution in Pakistan of foreign content such as BBC and CNN to be controlled by a foreign controlled entity and requiring their distribution within Pakistan to be strictly controlled by a locally registered and licensed company, the regulatory regime setup by PEMRA Ordinance leaves it in no doubt that distribution of media content within the territory of Pakistan can never be allowed to be controlled by a foreign owned or foreign controlled entity.

It is thus in view of the existential threat that the entire electronic media industry is facing from the illegal initiative of PEMRA, PBA hereby calls upon the Government of Pakistan and PEMRA to immediately SUSPEND the DTH licensing bidding process scheduled to be held on 23rd November 2016 in which foreign entities are allowed to participate. In-case the illegal and unfair DTH bidding process is allowed to proceed as planned PBA and its members shall boycott any DTH platform that may be put in place by any successful bidder and shall not allow their content to be carried on that platform.

**PBA or its members have no legal or moral obligation to co-operate with or to work with any foreign entity that may be granted DTH license.**

