



39th EPRA meeting

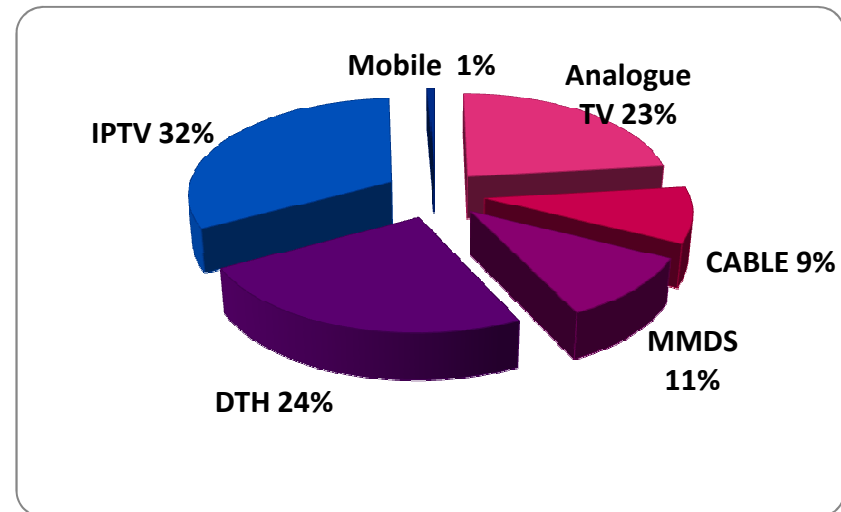
Budva/Montenegro, 4-6 June 2014

AUDIOVISUAL MEDIA LANDSCAPE IN MONTENEGRO

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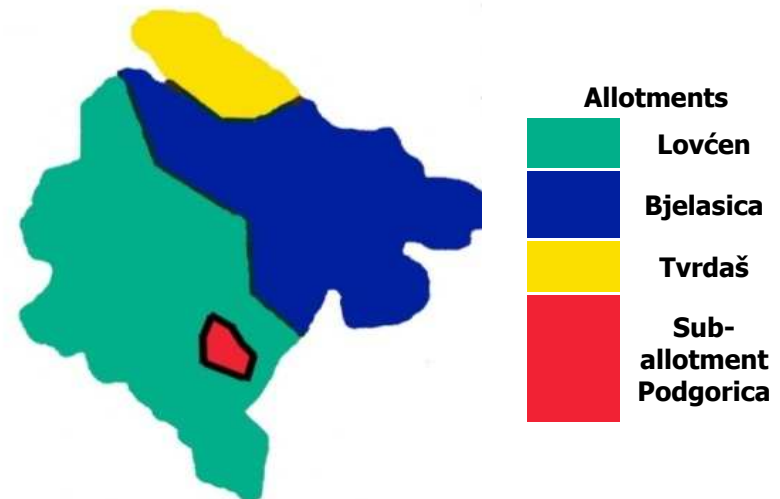
Facts about Montenegro

- 625,000 inhabitants
- 195,000 TV households
- Minority of TV households receiving TV over the terrestrial broadcasting
- 2 nationwide public TV channels (TVCG1, TVCG2) & 2 radio channels using terrestrial frequencies, 1 satellite TV program
- 18 commercial TV channels → 5 nationwide (Vijesti, Prva, Atlas, Pink M, MBC)
- 14 local/regional public radio channels using terrestrial frequencies
- 3 local public TV channels using terrestrial frequencies
- 36 commercial radio stations
- 4 daily papers
- Few portals
- No DTT platform



DTT Plan

- The **Frequency Allocation Plan** for digital broadcasting - contained in the GE06 Agreement
- DVB-T plan with:
 - 7 national coverages in the UHF band &
 - 1 national coverage in the VHF band
- Every national coverage → 3 allotment areas
 - Additional sub-allotment for the coverage of the capital city



Legislation

- Constitution of Montenegro (2007)
- Media Law (2002)
- Electronic Media Law (2010)
- Law on Public Broadcasting Services of Montenegro (2008)
- Digital Broadcasting Law (2011)
- Law on Electronic Communications (2013)

National Legislation - key principles

- **Constitution:** Freedom of expression & press, Prohibition of censorship
- **Media Law & Electronic Media Law**
 - Protection of minors
 - Prevention & Prohibition of hate speech & discrimination of any form
 - Right of correction and reply
 - Protection of journalistic sources
 - Clear, gradual and proportionate sanctioning procedures
 - Judicial review of any measure issued against media
 - Freedom of reception & retransmission of cross-border AVM services

Institutional framework

- Parliament of Montenegro
- Ministry of Culture
- Ministry of Information Society and Telecommunications
- Ministry of Finance
- Agency for Electronic Media (AEM)
- Agency for Electronic Communication and Post (EKIP)
- Radio and Television of Montenegro (RTCG)
- Broadcasting Centre (RDC)

Agency for Electronic Media (AEM)

- **Established in 2003** as Broadcasting Agency. As of 2010 → AEM
- **Independent** AVM service regulatory body with public authorities acting pursuant to the Law & in the public interest
- **Autonomous legal entity, functionally independent** from any state authority & any legal or natural persons engaging in production & broadcasting of radio and TV programmes, or provision of other AVM services
- Founded by the state & rights of the founder exercised by the **Council** in accordance with the law
- **Coordinates** with other regulators and state authorities (NRA for electronic communications, competition authority ...)

AEM - key facts

- **AEM responsibilities** - monitoring, enforcement, licensing, adoption of by-laws
- **AEM bodies** → AEM Council and AEM director → division of responsibilities clearly defined by the Law & AEM Statute
- **AEM staff** → 19 employees / Monitoring Department + Legal & Finance Department
- **Transparency of AEM operation - AEM Council obligations :**
 - Not later than by the end of June of the current year, make publicly available, by posting them on the AEM's website, the following documents:
 - **AEM Activity Report** for the previous year, focusing on the performance of responsibilities envisaged by law
 - **AEM Financial Report** for the previous year, with the **audit report** from an authorised auditor
 - Without delay, **make available & accessible to the public** all documents pertaining to rights and obligations of legal or natural persons , **accompanied by a statement of reasons**
- **Budget Law** - plans & reports to be adopted by the Parliament (as of Dec 2011)
- **Electronic Media Law (amended)** - surplus revenue over expenditure of AEM to be the revenue of the Budget of Montenegro (as of January 2013)

AEM Council

- **Five members, prominent experts** in the fields relevant for AEM's work, holding university degrees, which are Montenegrin citizens and reside in Montenegro
- **Conflict of interest prevention measures** - defined by the Law to protect them against any interference, in particular by political forces or economic interests (rules of incompatibility)
- A Council Member **may not be a founder of an AVM service provider** or in any other way participate as an applicant for obtaining a licence for AVM service provision within **12 months after the termination of its term**

AEM Council (2)

- **Appointed** by the Parliament of Montenegro
- **Authorised nominators for candidates** for Council members - defined by the Law:
 - Universities, one member
 - Non-governmental organisations dealing with human rights and freedoms, one member
 - Non-governmental organisations dealing with the media, one member
 - Montenegrin PEN Centre, one member
 - Commercial broadcasters' associations, one member
- Conditions for **Termination of office & Dismissal** of a Council member – defined by the Law

AEM Director

- **AEM Director - appointed by the Council**, following a public competition, with the requirements defined by the Law
- AEM Director **responsibilities** - defined by the Law & AEM Statute
- AEM Director's **term of office** - four years → **Maximum two consecutive terms**
- Conflict of interest rules / rules of incompatibility - same as for Council members

AEM funding

- **AEM funding sources** - defined by the Law:
 - annual fees payable as per issued licences for AVM service provision
 - non-recurrent fees for registration of AVM service providers
 - other sources of funding in accordance with the law
- The amount of the **fees determined by Council**, on the basis of AEM's annual programme of work and financial plan
- **Methodology for determining the fees'** amount & method of payment - determined by the Council, following a public debate
- As of January 2013 – any **surplus revenue** over expenditure of AEM to be the revenue of the Budget of Montenegro

Law Enforcement Supervision

- **AEM may issue:**
 - **Compliance orders** for AVM service providers
 - Administrative supervision measures (a **warning**, a **temporary or permanent revocation** of broadcasting licence or licence for provision of on-demand AVM service in the manner laid down by this Law)
- **Conditions for temporary & permanent revocation** of licence - defined by the Law
- **Appeal** against administrative supervision measures may be lodged with the Council within 15 days after receipt of the decision → The **appeal defers execution** of a measure
- An **administrative dispute** may be initiated against the Council decision upon appeal

Challenges

- Finalization of the digital switch-over
 - Simulcast at latest Dec 2014
 - Target DSO date mid June 2015
- Lack of sustainable support for the pluralism of the media
- Implementation of the European AV works & independent producers' works quotas
- Frequent changes of the legislative framework regulating AEM status without any public debate or consultation with AEM
 - Main areas of concern: AEM planning & reporting rights and obligations, enforcement powers of the AEM in relation to inspection supervision and issuing fines, AEM freedom to independently plan, mobilize & keep sufficient quality staff



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Thank you!

For further information please visit

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