



BROADCASTING AGENCY

Republic of Montenegro

*LAW ON PUBLIC BROADCASTING SERVICES
"RADIO OF MONTENEGRO" AND "TELEVISION OF MONTENEGRO"*

Podgorica, September 2004



Republic of Montenegro

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I. RTCG STATUS

Article 1

Public Enterprise "Radio and Television of Montenegro" shall perform the activity of the public broadcasting services of the Republic in compliance with the provisions of the Media Law, Broadcasting Law and this Law.

The founder of the Public Enterprise "Radio and Television of Montenegro" shall be the Republic of Montenegro (hereinafter referred to as: the Republic).

The rights of the founder on behalf of the Republic shall be exercised by the Council of the "Radio and Television of Montenegro" in compliance with law.

Article 2

The name of the Public Enterprise shall be "Radio and Television of Montenegro".

The abbreviation of the Public Enterprise shall be RTCG.

The seat of RTCG shall be in Podgorica.

II. ACTIVITY OF RTCG

Article 3

The main activity of RTCG shall be the production and broadcasting of radio and television programmes of importance to the citizens of Montenegro.

RTCG shall perform its main activity through the production and broadcasting of two programmes of the "Public Broadcasting Service Radio of Montenegro" (hereinafter referred to as: "Radio of Montenegro") via two independent FM and one independent ST radio networks on the national level, two programmes of the "Public Broadcasting Service Television of Montenegro" (hereinafter referred to as: "Television of Montenegro") via two independent television networks on the national level and one television programme broadcast via satellite.

The reception of RTCG programmes, within every radio or television network, shall be provided on the territory of the Republic populated by at least 85% of the citizens.

RTCG may broadcast Radio of Montenegro and Television of Montenegro programmes via Internet.

RTCG may be involved in other activities, in compliance with law, which contribute to more complete use of the enterprise capacities and creation of conditions for providing more efficient public broadcasting services of interest to the citizens.

Neither the main activity change nor privatisation of RTCG shall be performed without the consent of the Parliament of the Republic of Montenegro.

Article 4

For the need of individual public broadcasting services, RTCG may establish regional radio and television studios, specifically obliged to produce and broadcast regional programmes and programmes in languages of national and ethnic groups in that area.

Article 5

RTCG shall regulate its internal organisation and manner of work, in compliance with law and its Statute.

RTCG shall have two business and organisational units: "Radio of Montenegro" and "Television of Montenegro".

The authorisations of the organisational units in legal circulation shall be established by the RTCG Statute, in compliance with law.

III. RTCG ACCOUNTABILITY

Article 6

RTCG shall be accountable to the public.

The accountability of RTCG to the public shall be realised through:

- 1) The procedure of appointment of the RTCG Council, its public work and duty to represent and protect citizens' interests in the field of information;*
- 2) Informing the public about the RTCG activities by means of publicising the Operation Bulletin in print or/and electronic form;*
- 3) Prescribing and implementing the procedures that enable the listeners and viewers to submit the petitions and complaints concerning the RTCG work.*

IV. RTCG OBLIGATIONS

Article 7

In their programmes, RTCG shall satisfy public interests both on the national and local level and make sure that news, cultural, educational, sports and entertainment programmes are represented equally.

With the aim to achieve common interest in the field of information, RTCG shall observe the obligations prescribed by this Law, Media Law and Broadcasting Law.

RTCG shall independently, in compliance with law, decide upon the contents of its programmes, time of their broadcasting and manner of transmission.

RTCG employees shall exercise their rights and obligations in compliance with valid laws regulating the field of labour and employment.

Article 8

RTCG shall respect professional standards and programme-related rules adopted by the RTCG Council and it shall:

- 1) Keep the public truthfully, completely, impartially and timely informed about events and issues of public interest both in the country and abroad;*
- 2) Contribute to the observance and promotion of basic human rights and freedoms, democratic values and institutions, pluralism of ideas, improve culture of public dialogue and respect linguistic standards;*
- 3) Respect privacy and dignity of citizens,*

V. RTCG FUNDING

Article 9

RTCG shall be funded from:

- 1) a part of radio-television subscription,*
- 2) a part of the tax for the use of radio receivers in motor vehicles registered in the Republic,*
- 3) production and broadcasting of advertisements;*
- 4) production and sale of audio-visual works (shows, films, series, etc.) and of sound and picture repositories of public interest;*
- 5) sponsorship of programmes,*
- 6) organisation of concerts and other manifestations;*
- 7) the Budget of the Republic of Montenegro,*
- 8) other sources in compliance with law.*

The surplus income over the expenses shall be used exclusively for the programme quality improvement of the public broadcasting services.

Broadcasting subscription funds shall be used to finance programme production of "Radio of Montenegro" and of "Television Montenegro", in the proportion and manner as prescribed by the RTCG Statute.

The funds from the tax on radio receivers in motor vehicles registered in the Republic shall be used to finance the programme production of "Radio of Montenegro".

Article 10

The Budget of the Republic of Montenegro shall provide a part of funds for the realisation of the citizens' rights to be informed granted by the Constitution and Law, on the basis of Radio of Montenegro and Television of Montenegro programming important for:

- 1) science and education development;*
- 2) development of culture,*
- 3) information intended for persons with eyesight and hearing impairments.*

With the aim to realise the rights referred to in paragraph 1 of this Article, the Republic shall provide a part of funds for programmes in Albanian and languages of other national and ethnic minorities.

The funds referred to in paragraphs 1 and 2 of this Article shall be used for the production of the aforementioned programmes only.

If the funds provided from the Budget of the Republic are not sufficient for the realisation of duties of Radio of Montenegro and Television of Montenegro referred to in paragraph 2 of this Article, the deficient funds shall be provided from the Budget of the Republic, provided that the deficit is not caused by the unspecified and irrational use of the allocated funds.

Article 11

On behalf of the Government of the Republic of Montenegro, the competent administrative authority in charge of public information activities and RTCG shall contractually regulate mutual rights and liabilities related to the use of the funds referred to in the Article 10 of this Law, not later than 30 days from the date of coming into effect of the Law on the Budget of the Republic of Montenegro for the year.

The manner and conditions of providing the funds from the Budget of the Republic shall not influence the editorial independence and autonomy of the public service broadcaster.

In compliance with the provisions of the Law on Budget, payment of the funds from the Budget of the Republic shall be done in four equal instalments.

The contract referred to in paragraph 1 of this Article shall be published in the RTCG Operation Bulletin and submitted to the independent regulatory authority.

Article 12

The Budget of the Republic of Montenegro shall provide the funds for covering the costs of the services of transmitting and broadcasting of RTCG programmes, offered by the company for the transmission and broadcasting of radio and TV signals.

On behalf of the Government of Montenegro, the competent authority in charge of public information activities and the company for the transmission and broadcasting of radio and TV signals shall contractually regulate their mutual rights and liabilities with regard to the manner and conditions of payment of funds referred to in paragraph 1 of this Article. not later than 30 days from the date of coming into effect of the Law on the Budget of the Republic of Montenegro for the year.

Provided that it is not possible to reach the agreement with regard to the contract between the competent authority in charge of public information activities and the company for

the transmission and broadcasting of radio and TV signals, a temporary decision based upon this issue shall be adopted by the independent regulatory authority for the field of broadcasting.

VI. RTCG BODIES

Article 13

The RTCG bodies shall be:

- 1) RTCG Council,*
- 2) RTCG Managing Board,*
- 3) RTCG Director General,*

RTCG Council

Article 14

The Council of RTCG shall represent interests of citizens of the Republic.

The RTCG Council shall have 11 members, who shall be the citizens of the Republic with the residence in the Republic and elected among respectable experts from the fields relevant to the performance of RTCG activities (journalists, sociologists, lawyers, economists, engineers, media analysts, experts in marketing, broadcasting, etc.) and who are in favour of the respect of democratic principles and the rule of law, development and promotion of the constitutional order, protection of human rights and freedoms as well as freedom of speech protection.

The RTCG Council shall be independent of any state authority, as well as of all organisations and persons involved in the activity of production and broadcasting of radio and television programmes or related activities.

The RTCG Council Members shall be entitled to monthly financial remuneration for their work, the amount of which shall be equal to one half of the monthly remuneration of a Supreme Court Judge in the Republic of Montenegro.

Article 15

The RTCG Council shall:

- 1) Adopt the RTCG Statute;*
- 2) Appoint the chairman and deputy chairman from among the Council Members in a manner and according to the procedure regulated by the RTCG Council's Standing Orders;*
- 3) Appoint and recall the RTCG Managing Board;*
- 4) Give previous approval of the appointment and recall of the RTCG Director General, Director of Radio of Montenegro and Director of Television of Montenegro, as persons with special rights and liabilities;*
- 5) Adopt general acts regulating the issues related to programme and professional standards in RTCG;*
- 6) Adopt programme-related documents of Radio of Montenegro and Television of Montenegro;*
- 7) Appoint the authorised auditor of periodic and annual statements of account of RTCG and publicise his finding in the RTCG Operation Bulletin;*
- 8) Give his consent for the contract with the administrative authority in charge of the public information issues for the provision of the funds allocated, in compliance with Law, from the Budget of the Republic of Montenegro for the production of programmes;*
- 9) Analyse and decide upon violation of the programme principles prescribed by the provisions of the Media Law, Broadcasting Law, this Law and programme-related documents and propose appropriate measures to the Director of Radio of Montenegro or Director of Television of Montenegro, after hearing their opinion;*
- 10) Adopt the act on minimum work process which is to be satisfied during the strike of the employees, in compliance with the provisions of a separate strike law, this Law and the RTCG Statute;*
- 11) Approve the decisions of the Managing Board that obligate RTCG to pay a total amount exceeding the amount determined by the RTCG Statute;*
- 12) Approve the decisions of the Managing Board regarding the purchase, sale and mortgaging of property;*

- 13) *Appoint and recall the Commission for Programming in Albanian and Languages of Other National and Ethnic Groups;*
- 14) *Appoint and recall the Commission for Petitions and Complaints of the listeners and viewers of RTCG programmes, in compliance with the RTCG Statute;*
- 15) *Publicise on regular basis, at least three times a year, the RTCG Operation Bulletin in print and/or electronic form;*
- 16) *Enact the Standing Orders;*
- 17) *Perform other duties in compliance with the law and the Statute.*

The Commission for Programming in Albanian and Languages of Other National and Ethnic Groups shall consider the realisation of this programming, give its opinion and initiatives to the RTCG Council and perform other duties in accordance with the RTCG Statute.

Persons who, in accordance with the Article 23 of this Law, cannot be the RTCG Council Members shall not be appointed the Members of the Commission for Petitions and Complaints of the listeners and viewers and the Commission for Programming in Albanian and Languages of Other National and Ethnic Groups.

The work of the commissions shall be public.

Article 16

The Parliament of the Republic of Montenegro shall verify the appointment of the RTCG Council Members.

Authorised nominators of the RTCG Council Members of shall be:

- 18) University of Montenegro;***
- 19) Montenegrin Academy of Science and Art;***
- 20) Montenegrin National Theatre, "Museums of Montenegro", "Montenegrin Film Library" and professional associations of theatre artists and music composers;***
- 21) Montenegrin Media Institute;***
- 22) Professional Associations of Journalists;***
- 23) Montenegrin Chamber of Commerce and other employers' associations;***
- 24) Trade Union organisations in Montenegro;***
- 25) "Matica crnogorska", Montenegrin Helsinki Committee, and non-governmental organisations for the protection of human rights;***
- 26) Montenegrin Olympic Committee and non-governmental organisations from the field of sports, tourism and ecology;***
- 27) Non-governmental organisations for protection of children, youth and family rights, education, health and social care;***
- 28) Non-governmental organisations involved in the promotion of rights of the members of national and ethnic groups;***

It is not obligatory for a person appointed for the RTCG Council Member to be from the authorised nominator.

Article 17

Authorised nominators of the RTCG Council Members shall independently adopt the Appointment Act.

The Appointment Act shall be signed and attested by the authorised nominator of the RTCG Council Member and it shall include the name, residential data and short biography of the member appointed.

Enclosed with the Appointment Act, the following documents shall be submitted: written consent of the appointed RTCG Council Member confirming the acceptance of the nomination

and his statement that there are no obstacles, referred to in the Article 23 of this Law, for his appointment.

Provided that, pursuant to the Article 16, there are several nominators authorised for the appointment of the RTCG Council Member, the Appointment Act shall be adopted by mutual consent, by means of mutual co-ordination.

If the authorised nominators appoint more than one nominee, the Parliament of the Republic of Montenegro shall verify the appointment of the nominee whose nomination is supported by the majority of the registered non-governmental associations.

The competent administrative authority in charge of keeping the register of non-governmental organisations shall submit to the Parliament of the Republic the data on non-governmental associations and organisations registered.

Article 18

If the Appointment Act is submitted contrary to the provisions of this Law, the Parliament of the Republic shall invite the authorised nominator for the appointment of the RTCG Council Member to conform it with the provisions of this Law not later than within 15 days.

Provided that the Parliament of the Republic is not able to determine which Appointment Act is valid, it shall invite the authorised nominators referred to in the Article 16 of this Law to submit to the Parliament the co-ordinated Appointment Act not later than within 15 days.

Council of RTCG shall be considered constituted, when two thirds of total number of members is appointed.

Article 19

RTCG Council Members shall not represent the institutions or organisations that nominated them, but they shall perform their duties independently, according to their knowledge and conscience, in compliance with the provisions of this Law.

Nobody has the right to influence, in any way, the work of the RTCG Council Members, and they are not obliged to observe anybody's instructions with regard to their work, except the decisions of a competent Court.

The term of office of the RTCG Council Member shall start with the day of the appointment confirmation and last for five years, with a possibility of re-election.

While appointing the first composition of the RTCG Council, four members shall be elected for five, four of them for four and three of them for three-year term of office.

The Parliament Speaker shall determine the term of office duration for the first composition of the RTCG Council by drawing lots, in the presence of the authorised nominators.

Article 20

The Parliament Speaker of the Republic of Montenegro shall commence the appointment procedure of the RTCG Council Members by sending a public invitation not later than three months before the expiry of their term of office.

The invitation shall be sent to the authorised nominators of the RTCG Council Members by means of public announcement in the "Official Gazette of the Republic of Montenegro" and at least one daily newspaper in the Republic.

Authorised nominators of the RTCG Council Members are obliged, not later than 30 days from the date of sending the public invitation, to submit to the Parliament of the Republic the Appointment Acts for the RTCG Council Members.

The Parliament of the Republic shall verify the appointment of new Council Members before the terms of the former members expire.

In case of termination of the term before the expiry of the period of time for which a RTCG Council Member has been appointed, the authorised nominator is obliged, without any delay, and not later than within 30 days from the date of the verification of the term of office termination, to deliver to the Parliament of the Republic the Appointment Act for new RTCG Council Member.

The Parliament of the Republic is obliged to verify the appointment of a new RTCG Council Member, not later than 30 days from date of the Appointment Act reception.

The verification of appointment shall be valid for the period until the expiry of the term of the member, whose term has ended.

Until the verification of the appointment of the new member, the RTCG Council shall adopt valid decisions as an incomplete entity, but if the number of members, due to the termination of the term of office for certain members, is less than seven, the RTCG Council shall not adopt valid decisions.

Article 21

The term of office of a RTCG Council Member shall be terminated following the procedure prescribed by the provisions of this Law and due to the following reasons only:

- 1) upon the expiry of the period, for which the member of the Council has been appointed;*
- 2) by recall, due to the reasons prescribed by the provisions of this Law;*
- 3) by submission of written resignation to the authorised nominator, about which the both RTCG Council and the Parliament of the Republic of Montenegro shall be informed not later than within eight days;*
- 4) upon the death of the member.*

Article 22

The RTCG Council Members shall not be recalled during their term of office.

As an exception to the paragraph 1 of this Article, and based on the decision of the authorised nominator of the RTCG Council Member, the Parliament of the Republic shall confirm the recall of the member and appointment of another member, who shall finish the remaining term of the recalled member provided that:

- 1) he is not able to perform duties of the RTCG Council Member over a period longer than six months, due to illness according to findings of competent medical institution;*
- 2) he fails attend the RTCG Council meetings for the period longer than six months;*
- 3) it is established that he has given untrue data about himself or has failed to state data on circumstances important for the appointment;*
- 4) during his term of office, any of the circumstances referred to in the Article 23 of this Law occurred;*

The decision on recall may be adopted on the basis of the explained RTCG Council's proposal only, after the procedure has been completed, establishing all relevant circumstances and offering the possibility to a RTCG Council Member, against whom the procedure has been brought, to give statement with regard to all circumstances.

The RTCG Council may, by two-third-majority vote of the total number of its members, adopt the decision to recall a Council Member until the Parliament of the Republic verifies the decision on recall.

Article 23

The RTCG Council Members shall not be:

- 1) Members of Parliament and city council members;*
- 2) Employees of RTCG;*
- 3) Persons elected, appointed and nominated in the Government of the Republic of Montenegro (ministers, their deputies, assistants, as well as heads of special organisational units under direct control of the Government or other officials);*
- 4) Officials of political parties (chairmen of parties, members of presidency, their deputies, members of executive and main boards, as well as other party officials);*
- 5) Persons, who as stake holders, shareholders, members of managing bodies, members of supervisory bodies, employees, etc. have the interest in legal entities that produce radio and television programmes, so that the membership of such person in the RTCG Council could result in the conflict of interest;*
- 6) Persons that are sentenced by final and binding decision, for criminal offence against official duty, criminal offence of corruption, fraud, theft or any other criminal offence which makes them unworthy of performing public duty regardless of the sentence imposed or if those persons are sentenced, by final and binding decision, for other criminal offence to prison term longer than 6 (six) months in jail, during the period when the sentence consequences are still lasting;*
- 7) Persons who are spouses of the persons mentioned in this Article or are related to them in the straight line, regardless of the level of kinship.*

Article 24

The regular session of the RTCG Council shall be held every 3 months.

RTCG Council may hold extraordinary session upon the request of at least five of its members.

The decisions of the RTCG Council shall be valid if more than a half out of total number of members is present at the session.

Decisions shall be reached by majority vote of the RTCG Council Members present, if it is not regulated differently by the Statute or this Law.

The RTCG Council sessions shall be open to the public, unless decided differently by two-third majority out of the total number of members.

Article 25

Chairman of the Managing Board, Director General and Directors of Radio of Montenegro and Television of Montenegro, shall have the right to take part in the RTCG Council sessions, without the decision-making right.

Due to certain reasons, the RTCG Council may decide, by two-third majority out of the total number of members, to exclude from its work the persons referred to in paragraph 1 of this Article.

The participation of other persons in the RTCG Council's work shall be regulated by the RTCG Council Standing Orders.

RTCG Managing Board

Article 26

RTCG Managing Board shall have five members, appointed and recalled by the RTCG Council.

The Managing Board Members shall be appointed from among the recognised media, management, law, financial and other experts.

One member of the Managing Board shall be proposed by the enterprise employees, following the procedure and in the manner prescribed by the RTCG Statute.

The members of the Managing Board shall perform their duties independently, according to their own knowledge and conscience, in compliance with this Law and they shall not represent interests of third parties in their work.

A person who is not qualified not become a member of the RTCG Council shall not be appointed a member of the Managing Board.

As an exception, the provisions of the Article 23, paragraph 1, indented line 2 of this Article shall not refer to the Managing Board Member proposed by the enterprise employees.

The term of office for the Managing Board Members shall be four years, with the possibility of re-election.

Article 27

A member of the Managing Board may be relieved before the expiry of his term:

- 1) upon submitting the resignation,*
- 2) if he is not able to perform duties of the Managing Board Member over a period longer than three months, due to illness according to findings of the competent medical institution;***
- 3) if he fails to attend the Managing Board meetings over a period longer than three months;*
- 4) if it is established that he has given untrue data about himself or has failed to state data on circumstances important for the appointment;***
- 5) if it is established that during his term of office, any of the circumstances referred to in the Article 23 of this Law occurred;***
- 6) if his action violates the law and other regulations related to performance of the RTCG activities,*

Article 28

Managing Board shall:

- 1) adopt the operating plans and operating reports and periodic and annual statements of account for the entire RTCG, as well as for the Radio of Montenegro and Television of Montenegro and make them available to the RTCG Council and the general public in a manner prescribed by the RTCG Statute;*
- 2) appoint and relieve the RTCG Director General, by the majority of the total number of employees, provided that the decision on appointment follows public announcement and that it is reached by secret vote for one among several candidates;*
- 3) adopt the general act on internal organisation and job classification in RTCG, proposed by the Director General in co-operation with the Director of Radio of Montenegro and Director of Television of Montenegro;*
- 4) adopt investment and financial plans of RTCG;*
- 5) sign labour contract with Director General;*
- 6) decide on the purchase, sale or mortgaging of the assets;*
- 7) decide on taking bank loans or issuing financial guarantees;*
- 8) approve signing investment contracts if the overall amount to be paid by RTCG exceeds the amount determined in the RTCG Statute;*
- 9) approve the change of the budget allocations;*
- 10) adopt its Standing Orders;*
- 11) perform other duties in compliance with the Statute.*

The members of the Managing Board shall be entitled to remuneration for their work in compliance with the RTCG Statute.

RTCG Director General

Article 29

RTCG Director General shall be a person who is a citizen of the Republic with the residence in the Republic, has a university degree minimum, and at least five years of professional experience.

Director General shall:

- 1) *act for and represent RTCG;*
- 2) *organise and control the process of work and manage operations of RTCG;*
- 3) *carry out the decisions of the Managing Board;*
- 4) *appoint and recall Director of Radio of Montenegro and Director of Television of Montenegro, provided that the appointment decision is preceded by public announcements and approval of the RTCG Council;*
- 5) *sign labour contract with the Director of Radio of Montenegro and Director of Television of Montenegro;*
- 6) *prepare general act on internal organisation and job classification in RTCG in co-operation with Director of Radio of Montenegro and Director of Television of Montenegro and propose it to the Managing Board;*
- 7) *perform other duties regulated by the RTCG Statute.*

The term of office of the Director General shall be four years and the same person shall not be appointed Director General more than two times consecutively.

A person who is not qualified to be the RTCG Council Member, as by provisions set out herein, shall not be appointed Director General.

The Article 23, paragraph 1, indented line 2 of this Law shall not be applied to the candidates for the appointment of the Director General.

Radio of Montenegro and Television of Montenegro Directors

Article 30

Director of Radio of Montenegro and Director of Television of Montenegro shall be appointed and recalled by the RTCG Director General, with previous consent of the RTCG Council.

A person who is the citizen of the Republic with the residence in the Republic, has a university degree minimum, and at least five years of experience in the field of media may be appointed Director of Radio of Montenegro and Director of Television of Montenegro.

A person who is not qualified to be the RTCG Council Member, as by provisions set out herein, shall not be appointed Director of Radio of Montenegro or Director of Television of Montenegro.

Director of Radio of Montenegro and Director of Television of Montenegro shall be appointed for the term of 4 (four) years, with the possibility of re-election.

Persons, who are not qualified to be the RTCG Council Member, as by provisions set out herein, shall not be appointed Director of Radio of Montenegro or Director of Television of Montenegro.

The Article 23, paragraph 1, indented line 2 of this Law shall not be applied to the candidates for the appointment of the Director of Radio of Montenegro or Director of Television of Montenegro.

Article 31

Director of Radio of Montenegro, or Director of Television of Montenegro, shall:

- 1) *act for and represent Radio of Montenegro or Television of Montenegro, respectively within the authorisations given;*
- 2) *propose the programme orientation of Radio of Montenegro or Television of Montenegro, respectively and shall be accountable for its implementation to the RTCG Council, in compliance with law and RTCG Statute;*
- 3) *enforce adopted operating plans of Radio of Montenegro or Television of Montenegro, respectively;*
- 4) *implement the provisions of this Law which regulate the programming;*
- 5) *appoint and recall Programme Editors in Radio of Montenegro or Television of Montenegro, respectively;*
- 6) *propose to the Director General the internal organisation and job classification in Radio of Montenegro or Television of Montenegro, respectively;*
- 7) *sign the labour contracts with the employees of the Radio of Montenegro and Television of Montenegro, respectively in compliance with the RTCG Council Statute and the act on internal organisation and job classification;*
- 8) *carry out the decisions of the Commission for Petitions and Complaints;*
- 9) *perform other duties as provided by the RTCG Statute.*

Article 32

RTCG Director General, Director of Radio of Montenegro and Director of Television of Montenegro may be recalled before the expiry of their term:

- 1) *upon a personal request,*
- 2) *if they fail to act in compliance with the provisions of law and general acts of RTCG,*
- 3) *if their negligent and irregular conduct leads to significant damage to RTCG,*

Before adopting a decision on recall, RTCG Director General, Director of Radio of Montenegro and/or Director of Television of Montenegro shall be given chance to advance explanations concerning the reasons for being recalled.

RTCG Director General, Director of Radio of Montenegro and Director of Television of Montenegro shall have the right to start an administrative proceeding against the decision on the recall, in compliance with a separate law.

Article 33

The RTCG Statute shall contain the provision with regard to:

- 1) *RTCG seat;*
- 2) *internal organisation of RTCG;*
- 3) *manner of work, decision-making and competencies of the administrative body of the RTCG and a person with special authorisation;*
- 4) *decision-making procedure with regard to the petitions and complaints of listeners and viewers concerning the RTCG activities;*
- 5) *manner of publicising of the RTCG Operating Bulletin, financial plans, income and expenditure statements and other documents and information RTCG is obliged, as by the provisions set out herein, to present to the public;*
- 6) *manner of establishing the amount and allocation of the funds by the individual organisational units within the RTCG;*

The RTCG Statute shall also contain the provisions with regard to other issues in compliance with law.

VIII. RTCG ASSETS

Article 34

The RTCG assets, which shall consist of the ownership rights over movable assets and real estate, financial resources, securities and other property rights shall be owned by the state.

RTCG shall be liable for its commitments with all of its assets.

The Republic of Montenegro shall have joint, several and unlimited liability for the commitments of RTCG.

RTCG shall not burden or sell, without the consent of the RTCG Council, any real estate or other assets with a value exceeding the value determined by the RTCG Statute.

IX. TRANSITIONAL AND FINAL PROVISIONS

Article 35

On the day of coming into effect of this Law, the Public Enterprise "Radio-Television of Montenegro", established on the basis of the Decision on Organising Public Enterprise "Radio-Television of Montenegro" (Official Gazette of Montenegro, Nos. 41/98 and 26/99), shall continue its work under the name of the Public Enterprise "Radio and Television of Montenegro", with the rights and obligations prescribed by the provisions of the Media Law, Broadcasting Law and this law.

The RTCG funds and assets shall consist of the funds and assets of the Public Enterprise "Radio-Television of Montenegro", as per the balance sheet from December 31st 2002.

Article 36

At least in one daily newspaper and in the "Official Gazette of the Republic of Montenegro" and not later than eight days from the date of coming this Law into effect, the Speaker of the Parliament of the Republic shall issue a public invitation to the authorised nominators to submit the Appointment Acts for the RTCG Council Members;

The deadline for submitting the Appointment Acts for the RTCG Council Members shall be 30 days from the date of issuing the public invitation referred to in paragraph 1 of this Article;

The Parliament of the Republic is obliged to verify the appointment of the RTCG Council Members, not later than 30 days from the expiry of the deadline referred to in paragraph 2 of this Article;

Provided that the Appointment Act submitted is not in compliance with the provisions of this law, the Parliament of the Republic of Montenegro shall invite the authorised nominator for the Appointment of the RTCG Council Member to conform the aforementioned document with the provisions of this Law not later than 15 days from the date of receiving the invitation.

The first session of the RTCG Council shall be convened by the Parliament Speaker of the Republic, not later than 15 days after the Parliament of the Republic has verified the appointment of at least two-thirds of the Council Members.

Article 37

The RTCG Statute shall be adopted not later than 60 days from the date of the RTCG Council constitution.

The RTCG Managing Board shall be constituted not later than 30 days from the date of the RTCG Statute adoption.

The Managing Board shall issue a public competition for the election of the RTCG Director General, not later than 15 days after its constitution.

Article 38

The Director General, Programme, Managing and Supervisory Boards and editors-in-chief in the Public Enterprise "Radio-Television of Montenegro" shall continue to work until the appointment of the RTCG management bodies in compliance with the provisions of this Law.

Article 39

On the date of coming this Law into effect, the following provisions shall no longer be valid:

- *the Decision on Organising Public Enterprise "Radio-Television of Montenegro" (Official Gazette of the Republic of Montenegro, Nos. 41/98 and 26/99);*
- *the Decision on the Appointment of Programme Committee of Radio of Montenegro (Official Gazette of the Republic of Montenegro, No. 54/01);*
- *the Decision on the Appointment of Programme Committee of Television of Montenegro (Official Gazette of the Republic of Montenegro, No. 54/01);*
- *the Decision on the Appointment of Members of Managing Board of Public Enterprise "Radio-Television of Montenegro" (Official Gazette of the Republic of Montenegro, No. 42/98);*
- *the Decision on the Appointment of Members of Supervisory Board of Public Enterprise "Radio-Television of Montenegro" (Official Gazette of the Republic of Montenegro, No. 42/98).*

Article 40

This Law shall come into effect eight days after the date of its promulgation in the "Official Gazette of the Republic of Montenegro", and shall be implemented from May 1st 2003.

No: 01-2806/2

Podgorica, September 17 2002

The Law on Public Broadcasting Services "Radio of Montenegro" and "Television of Montenegro" was adopted on September 16th, at the fourth extraordinary session of the Parliament of the Republic of Montenegro in 2002, and publicised in the "Official Gazette of the Republic of Montenegro", No. 51/02.



Republic of Montenegro
BROADCASTING AGENCY

*LAW ON AMENDMENTS TO
THE LAW ON PUBLIC BROADCASTING SERVICES
"RADIO OF MONTENEGRO" AND "TELEVISION OF MONTENEGRO"*



Republic of Montenegro
BROADCASTING AGENCY

**LAW ON AMENDMENTS TO
THE LAW ON PUBLIC BROADCASTING SERVICES
"RADIO OF MONTENEGRO" AND "TELEVISION OF MONTENEGRO"**

Article 1

In the Law on Public Broadcasting Services "Radio of Montenegro" and "Television of Montenegro" ("Official Gazette of the Republic of Montenegro", No. 51/02) in the Article 36, paragraph 2 the number "30" shall be replaced by "15".

Article 2

The Article 38 shall be amended to:

"The term of office of the Director General, Programme, Managing and Supervisory Boards and editors-in-chief in the Public Enterprise "Radio-Television of Montenegro" shall end with the day of the RTCG Council constitution.

The RTCG Council is obliged to appoint acting Director General, acting Director of "Television of Montenegro" and acting Director of "Radio of Montenegro".

Article 3

In the Article 40, the words "and shall be implemented from May 1st 2003" shall be deleted.

Article 4

On the day of enactment of this Law, the following regulations shall no longer be valid:

- *The Decision on Appointment of Programme Board of Television of Montenegro ("Official Gazette of the Republic of Montenegro", No. 48/02);*
- *The Decision on Appointment of Programme Board of Radio of Montenegro ("Official Gazette of the Republic of Montenegro", No. 48/02);*
- *The Decision on Appointment of Programme Board of daily newspaper "Pobjeda" ("Official Gazette of the Republic of Montenegro", No. 48/02);*
- *The Decision on Appointment of Programme Board of the public medium Weekly in Albanian language "Koha javore" ("Official Gazette of the Republic of Montenegro", No. 48/02);*

Article 5

This Law shall come into effect eight days after the date of its publishing in the "Official Gazette of the Republic of Montenegro".

Number: 01-2806/4
Podgorica, November 13th 2002

The Law on Amendment to the Law on Public Broadcasting Services "Radio of Montenegro" and "Television of Montenegro" was adopted on November 12th on the third session of the second regular sitting of the Parliament of the Republic of Montenegro in 2002, and publicised in the "Official Gazette of the Republic of Montenegro", No. 62/02

*THE LAW ON PUBLIC BROADCASTING SERVICES
"RADIO OF MONTENEGRO" AND "TELEVISION OF MONTENEGRO"
THE COMMENT*

The constitutional basis for the adoption of the Law on Public Broadcasting Services "Radio of Montenegro" and "Television of Montenegro", is contained in the Article 12, item 1 of the Constitution of the Republic of Montenegro and in the Article 94, paragraph 3 of the Broadcasting Law.

II REASONS FOR THE LAW ADOPTION

The freedom of expression and information represents the basic element of protection of democratic principles and observance of human rights guaranteed by the international documents – the United Nation's Universal Declaration of Human Rights and European Convention on Human Rights and Fundamental Freedoms, adopted by the member states of the Council of Europe. These principles are contained in the very Constitution of the Republic of Montenegro.

Having accepted the Media Freedom Charter, adopted on June 8th 2000 at the regional table of the Stability Pact for South East Europe in Thessaloniki, the state authorities of the Republic of Montenegro committed themselves to taking initiative to guarantee and promote the media freedom, support the development of professional journalism and providing comprehensive transformation of the broadcast media in the Republic in compliance with the international standards, with the aim to protect these freedoms and create suitable climate for the undisturbed media development. Given that the media independence is of essential importance for functioning of any democratic society, the state authorities are obliged to observe editorial independence of all media, including media founded by themselves. In order to achieve that, it is necessary to conduct a thorough and comprehensive transformation of national broadcasting organisations into public broadcasting services of citizens in compliance with current European standards.

National broadcasting organisations have constituted a vital component of the broadcasting sector in a number of states. Therefore, the reasons for further existence of such organisations in securing public interests in the sphere of information are still very strong. However, these media must accept a new organisational form of public broadcasting services with the production, transmission and broadcasting of radio and/or television programmes of public interest financed and controlled by the public as their basic activity. However, there are two essential problems for the realisation of this objective, representing the threat for the survival and development of the broadcasting organisations financed by the public in many countries in transition. The first one is the attempt of the public authorities to control such organisations by threatening their independence and programme quality. The other is a constant desire of governments to cut their own budgets, thus increasing the pressure on the amount of funds allocated for the broadcasting organisations from the state budgets and directing them to seek alternative financial sources. The Law on Public Broadcasting services "Radio of Montenegro" and "Television of Montenegro" has recognised these fundamental issues, so that the suggested model includes normative solutions which avoid the traps mentioned and offer efficient and fast transformations of Public Enterprise "Radio-Television of Montenegro" into a public broadcasting service in compliance with the European standards for this field.

Considering all this, primarily the essential role of the media, especially broadcast media, in the societies in transition as a basic mechanism of intensifying democratic processes in them, an active dialogue has been established between competent state authorities, media community representatives and non-governmental sector in the Republic of Montenegro with the aim to develop new media legislation conformed with the European standards in this field. In July 2001, the Secretariat of Information of the Republic of Montenegro established the Working Group for Drafting the Broadcasting Law and the Media Law aiming at the development of legal framework for the complete and feasible media system reform. Its unavoidable part is the transformation of present Public Enterprise "Radio-Television of Montenegro".

The Working Group has established an active co-operation with the Council of Europe, European Agency for Reconstruction, European Media Institute, "Article XIX" organisation, and other international institutions interested in this process in the Republic of Montenegro. The Working Group activities have been presented to the public on regular basis, by publishing working versions of these laws, as well as by organising public debates followed by thorough discussion on the objections, suggestions and opinions of the interested parties in the Republic of Montenegro in order to obtain the most acceptable normative solutions.

Having supported the adopted objectives and methodology of the Working Group and with the aim to support the media legislation reforms, in August 2001, the Council of Europe and the European Agency for Reconstruction adopted the Joined Initiative for providing support for the implementation of activities in this field in the Republic of Montenegro.

The aim of the aforementioned Initiative is the formulation and implementation of the legislation in compliance with the Article 10 of the European Convention on Human Rights and Fundamental Freedoms and with the practice of the European Human Rights Court. The cornerstone of the adopted Initiative is to enable the Council of Europe to monitor and provide professional assistance and opinions on the compliance of legal documents with the European standards related to the media freedom, in direct co-operation with other international institutions and organisations, especially with the European Commission and OSCE.

The complexity of the material, which was to be legally formulated, required drafting three laws regulating the media system: the Media Law, the Broadcasting Law, and the Law on Public Broadcasting Services "Radio of Montenegro" and "Television of Montenegro".

During the process of drafting the Law on Public Broadcasting Services "Radio of Montenegro" and "Television of Montenegro", the Working Group has analysed in detail the present normative solutions regulating legal position of the Public Enterprise "Radio-Television of

Montenegro", and their application has been re-evaluated in order to avoid the previous model's deficiencies in the development of new system. Namely, the existing manner of managing the Public Enterprise "Radio-Television of Montenegro", established by the Public Information Law from 1998, adopted as a compromise between the political parties which wanted to ensure the greatest possible influence on the RTCG editorial policy, apart from being unacceptable from the aspect of the European recommendations and standards in this field, was proven to be unsustainable model which failed to provide the efficient work of RTCG. The only indisputable success of this model is the termination of one political party domination.

The fact that the Montenegrin information domain, apart from the continuous attempts of comprehensive reforms, is still at the beginning of creating clear foundations for its future position in the European surroundings, served as a motive for the Working Group to try to establish the firm basis for the development of this system, having in mind that the crush of the former ideology alone in Eastern Europe did not provide the liberation of media from totalitarian dependency on the power institutions, and accordingly their transformation into democratic institutions. The most important message from the transition period of those countries, which expected the media to have the leading role in the process of creating democratic infrastructure in the post-Communist societies, is the underrated ability of structural and functional mimicry of the totalitarian system. It is especially reflected in the attempt of the estate to be "the only and main guarantor" of media freedom in the conditions of increasing pluralism, which often led to the media control.

The main objective to be achieved by this Law is to prevent RTCG from the involvement in political processes as an instrument for winning over the citizens in inter-party and other conflicts. The politics as a destiny is inevitable for media, so the media democratisation does not and cannot include the complete separation of media and politics but the strengthening media independence in relation to the politics and power. Considering all this, the Working Group made sure that democratic changes in the media sphere in our country include, first of all, a comprehensive change in the state-owned media course, which had to step out the party sphere and play the role of public services of the citizens. The fact that all ruling parties in this region wish to obtain the dominant position on all control points of the media system is new not even to much more developed countries. Thus, it has been proved that the formal change in political and economic system does not necessarily mean either the change in the functioning of individual institutions or citizens' positions. With regard to the entire issue, the most important element for comprehending the overall attitude of citizens towards media sphere is the determination of their positions related to the media control. The cornerstone of this, third media reform in the Republic of Montenegro must be favouring of the citizens' rights related to the media system, which will completely prevent any state or party monopoly over media.

The new media legislation enables the broadcast media to withdraw from the political disputes and dedicate themselves to infinitely difficult and important task of creating conditions for strong confrontation of opinions as an important precondition for the democratic society development, and this Law puts the Republican broadcasting services in the position to implement this very important process.

However, the issue of readiness of the political parties and other segments of society to support fast and efficient transformation of the media sphere, especially the state-owned media, remained open for the Working Group. The success of further legal development of the existing laws and other media system legislation will depend on this determination.

II

On the basis of the Constitution of the Republic of Montenegro, which guarantees the freedom of press and other forms of public information, as well as the rights of citizens to express and publicise their opinions in the public information outlets, the Law on Public Broadcasting Services "Radio of Montenegro and "Television of Montenegro" gives the concept and methodology of these fundamental constitutional starting points in compliance with the principles defined in the Media Law and the Broadcasting Law. In that respect, the Bill follows the logic of creating the legal environment with clearly regulated rights and liabilities of national public broadcasting services in the Republican media system in compliance with the European recommendations in this domain.

The starting point in drafting this law were the principles contained in the international documents on human rights, especially the following:

- International Convention on Civil and Political Rights (Article 19);
- European Convention on Human Rights and Fundamental Freedoms;
- Council of Europe Declaration on the Freedom of Speech and Information;
- European Union Directive "Trans-frontier Television";
- Council of Europe Convention on the Trans-frontier Television;
- Council of Europe recommendations, viz.:
 - R (2000) 23 on independence and functioning of regulatory bodies in the broadcasting field;
 - R (2000) 7 on the rights of journalists not to reveal their sources of information;
 - R (97) 21 on media and promoting the culture of tolerance;
 - R (99) 15 on the measures related to the media coverage of the election campaigns;
 - R (99) 1 on the measures of promoting the media pluralism;
 - R (97) 20 on "hate speech";
 - R (96) 10 on guaranteeing the independence of public broadcasting etc;

These documents emphasise the importance of the wide range of independent means of communication for the society, which provides the variety of ideas and opinions. In the system of media diversity, the Republican public broadcasting services must find their own space as broadcasters that produce the programme observing the highest professional standards in this field.

The acceptance of these standards enables us to be up to date with contemporary European flows. The delay, postponement, dilemmas or insisting on perfect conditions or solutions will make the transformation of state-owned media into public services absurd, because the dynamics of their change is important for the overall transformation of the society and therefore the media system. The Working Group believes that no one has the right to do that and that it is our duty to formulate normatively, and by means of fast implementation, develop contemporary information system and public broadcasting services within.

The chapter I STATUS (Articles 1 and 2) defines the legal position of Public Enterprise "Radio-Television of Montenegro", the main activity of which is the provision of the Republican public broadcasting services. The founder of this Enterprise is the Republic of Montenegro, and the RTCG Council exercises the founder's rights on behalf of the Republic. In that way, the readiness of the Republic of Montenegro to provide full independence of this enterprise in relation to all public authorities of the Republic is emphasised.

With regard to this issue, the Working Group has tried to find a solution for one more significant problem related to the legal position of the Public Enterprise RTCG alone, and that is the legal framework according to which this enterprise should be projected with reference to positive legal solutions in our current system. Namely, newly adopted Law on Companies ("Official Gazette of the Republic of Montenegro" No. 2/2002) does not foresee a public enterprise as a separate form of company, and valid Law on Public Enterprises ("Official Gazette of the Republic of Montenegro" No. 6/91) has still not been conformed with the Constitution of the Republic of Montenegro. Therefore, the clearer positive legal distinction between the Law on Companies and the Law on Public Enterprises is necessary (whether it is a matter of relation between general and separate law or the general law abolishes the separate one – the Law on Public Enterprises). The Law on Companies prescribes that a founder may be only one person in the case of a limited liability company – in this case the State. Therefore, the Drafter has chosen the concept of public enterprise primarily for the reason of the realisation of the public interest through the activities of this enterprise. However, the legal dilemmas related to the existing unconformity of the Law on Companies with the Law on Public Enterprises still remain as well as the dilemma concerning the definition of the status of legal entity the existing Public Enterprise "RTVCG" is being transformed to. However, it could not be expected from the Working Group to clear out all ambiguities in this field but to offer solution applicable to this specific case. The public authorities of the Republic of Montenegro, on the other hand, must initiate the process of systematic legal regulation in the field of public enterprise and social activities aiming at the removal of the existing legal gaps and collisions and accordingly provide the success of a model suggested by this Law.

The chapter II RTCG ACTIVITY (Article 3 - 5) defines the main activity of RTCG as the production and broadcasting of two programmes of the Radio of Montenegro and Television of Montenegro, by means of two independent networks on the national level of coverage (85% of population) and broadcasting of one radio and one television programme respectively by means of satellite. The Law provides for RTCG to perform other activities in compliance with law, provided that they contribute to more complete use of the company capacities and creating conditions for the provision of quality public broadcasting services. However, with the aim to realise better protection of public interests, the Law prescribes that the change of the main activity and privatisation of RTCG may not be performed without the consent of the Parliament of the Republic of Montenegro. The Law also prescribes, in compliance with the Article 67 of the Constitution of the Republic of Montenegro guaranteeing the members of national and ethnic groups the rights to be informed in their own language, that RTCG may found the regional studios with special obligation to produce and broadcast regional programmes and programmes in the languages of national and ethnic groups living in these areas.

In the process of drafting this Law, the Working Group has initiated the issue whether the Public Enterprise RTCG should be transformed into two legal entities. Individual suggestions failed to answer the questions related to the need of forming one or two councils and managing boards, the appointment of the Director and the Directors of separate units; manner and sources of financing of separate legal entities; adoption of internal documents, development of studies on feasibility of division and economic and media sustainability, etc. In accordance with the need of rational use of personnel, technical and organisational resources and having in mind the recommendations of several consultants, this draft law proposes the transformation into a single legal entity, provided that the Public Enterprise Statute more closely regulates all issues of mutual relations between the Radio of Montenegro and the Television of Montenegro. However, the Working Group has concluded that it was necessary to determine by the Law alone a sufficient level of autonomy of the two organisational units operating within the Public Enterprise "Radio of Montenegro and Television of Montenegro". It can be recognised in the Article 5 of this Law, which prescribes that the RTCG Statute in compliance with law shall establish the competencies of the organisational units in legal operations.

The chapter III PUBLIC ACCOUNTABILITY (Article 6) provides for its realisation through several levels: through the appointment procedure of the RTCG Council Members, as a central supervisory body of the public broadcasting service, publicising the RTCG Operating Bulletin which includes information about the RTCG activities as well as though the possibility of submitting the petitions and complaints of viewers and listeners on the RTCG work. These provisions are in compliance with the European standards related, in addition to the guaranteed editorial and management independence and autonomy, to the accountability for the manner of managing their activities and using the resources provided by the public for that purpose. Therefore, the valid principle was that public broadcasting services must be directly accountable to the regulatory body for the broadcasting field, to the courts in compliance with law, but also to the overall public in a way prescribed in the Article 6 of this Law.

In Compliance with the Broadcasting Law, the chapter IV RTCG OBLIGATIONS (Articles 7 and 8), establishes the obligation of Republican public broadcasting services to produce and broadcast different programming (news, cultural, art, educational, scientific, children, entertainment, sports and other) and make sure that they are equally represented, with the obligation to satisfy the public interests at both national and local level. The editorial independence of RTCG is guaranteed by explicit prescribing that it alone decides about its programming, its airtime and manner or transmission. Radio of Montenegro and Television of Montenegro, as two main public broadcasting services within RTCG are obliged to observe professional standards and programme rules adopted by the RTCG Council, and like all other media they are obliged keep the public truthfully, completely, impartially and timely informed about events and issues of public interest both in the country and abroad; contribute to

the observance and promotion of basic human rights and freedoms, democratic values and institutions, pluralism of ideas, improve culture of public dialogue and respect linguistic standards and privacy and dignity of citizens.

The chapter **V RTCG FUNDING** (Article 9 - 12) defines the manner and sources of RTCG funding, as one of the main factors for the realisation of editorial and management independence of the public service broadcasters, given that the source and range of their financial resources can essentially determine free space for the implementation and realisation of their tasks. The Law prescribes encircled and efficient financial framework, which should provide RTCG with enough funding to perform its legally prescribed functions as public broadcasting service. Taking into account the aforementioned principles, the Working Group has proposed by this Law a wide range of financial sources for the RTCG, which include: a part of broadcasting subscription and broadcasting tax for the use of radio receivers in motor vehicles, revenues from the production and broadcasting of advertisements, production and sale of audio-visual works, sponsorship and other sources in compliance with the Media Law. The Law prescribes the procedure of acquiring the funds from the Budget of the Republic on the basis of creating the conditions for the fulfilment of the Republic's obligations related to the realisation of the guaranteed citizens' rights to be informed on the basis of programming important for science and education development, development of culture, information intended for persons with eyesight and hearing impairments. Furthermore, the Law foresees that RTCG may acquire a part of funding from the Budget of the Republic of Montenegro on the basis of programming in Albanian and languages and alphabets of other national and ethnic groups related to the science and education development, development of culture, information intended for persons with eyesight and hearing impairments, in compliance with the Article 68 of the Constitution of the Republic. The Law explicitly prescribes that the manner and conditions of providing funds from the Budget of the Republic must not influence the editorial independence and autonomy of RTCG. The publicising of a contract stipulating mutual rights concluded between the administration authority in charge of the information issues and RTCG in the RTCG Operating Bulletin (Article 11) is foreseen as additional protection with regard to that issue. The obligation of the Republic to provide the funds from the Budget for payment of services of transmission and broadcasting of RTCG programme provided by the Company for the transmission and broadcasting or radio and TV signals (Broadcasting Centre) is also a novelty. Thus, the undisturbed and continuous process of production and broadcasting of public broadcasting service programmes is additionally ensured (Article 12).

The Chapter **VI RTCG BODIES** (Article 13 - 25) takes central position in the Law given the importance of the internal organisation of the enterprise for the overall transformation process of present Public Enterprise "Radio-Television of Montenegro" into a new enterprise involved in the activity of the Republican public broadcasting services. Prior to the drafting new management system of RTCG, the Working Group was informed in detail about the situation in this biggest media company in the Republic. The data available have shown that comprehensive re-organisation of state-owned media may be completed only upon creating the conditions for the appointment and beginning of work of new management and supervisory bodies that will provide the efficient work of these media within precisely defined competencies. The analyses have shown that one of the pressing issues of the Public Enterprise "Radio-Television of Montenegro" is disproportional number of employees that must be considerably reduced so that this enterprise could survive and begin realising the objectives of every public broadcasting service – production and broadcasting of programmes of public interest. However, the analyses have shown that the management teams in the state-owned media are neither ready nor able to begin with the independent operation because the present inefficient financial system relies primarily on the revenues from the state budget.

The comparative experiences show that in order to achieve the success in the project of the state-owned media transformation into public broadcasting services it is necessary to previously adopt the legal framework of their transformation, setting up the foundations for the internal re-organisation of a certain media company, relying on the valid European principles and standards in this field. With the view of the entire situation and after a number of consultations and a public debate, the Working Group has tried to project, in the proposed normative solutions, the efficient and sustainable management model for the public broadcasting services. This management model of the Public Enterprise "Radio and Television of Montenegro" can be more clearly understood from the scheme attached to this Comment of the Law.

The Law foresees the RTCG Council to represent the citizen's interests. Its members will be elected among prominent experts from among journalists, sociologists, lawyers, economists, engineers, media analysts, experts in marketing, broadcasting, etc. who are in favour of observance of democratic principles and the rule of law, development and promotion of constitutional order, protection of human rights and freedoms and protection of freedom of speech.

The RTCG Council should be independent of any state authority, as well as of all organisations and persons involved in the activity of production and broadcasting of radio and TV programmes or the related activities. In accordance with the recommendations, the Law prescribes that the RTCG Council Members are entitled to monthly remuneration for their work. Having in mind the overall financial situation but also the importance of the activities RTCG Council will perform, the Drafter considers that the remuneration must not be lower than half of the remuneration of the Supreme Court Judge in the Republic of Montenegro.

The appointment and recall procedure of the RTCG Council Members (Articles 15 - 23), observing the principles of publicity and impartiality prevents any political or other influence on the member election, in compliance with the valid European standards. In that way, editorial and management independence of the Republican public broadcasting services is protected. It should be emphasised that the RTCG Council Members do not represent the institutions or organisations which appointed them, but perform their duties independently, according to their knowledge and conscience without obligation to observe anybody's instructions related to their work, except the decisions of the competent court. The Article 21 prescribes the termination of the RTCG Council Member's term of office (upon the expiry of the term, by recall, resignation or upon the death).

The Article 21 provides the reasons for the termination of the RTCG Council Member's term of office (upon the expiry of the term, by recall, resignation or upon the death), and the reasons for the recall are clearly defined by the Article 22 of this Law.

It is important to emphasise that, pursuant to the Article 23 of this Law, the persons who might, according to their functions or positions, show the conflict of interests with regard to the RTCG work may not be appointed the RTCG Council Members, the RTCG Managing Board

Members, as well as the Director General and Directors of Radio of Montenegro and Television of Montenegro. Therefore, the members of these bodies shall not be: Members of Parliament and city council members, RTCG employees, Government officials, officials of political parties, persons with a stake in the assets of other broadcasters or persons that are sentenced by final and binding decision for certain criminal offences.

The chapter **VII RTCG ASSETS** (Article 34 and 35) defines that the assets are owned by the state and that the Republic shall have joint, several and unlimited liability for the commitments of RTCG in legal operations.

The chapter **VIII TRANSITIONAL AND FINAL PROVISIONS** (Article 36 - 41) states that on the day of coming into effect of this Law, the Public Enterprise "Radio-Television of Montenegro" continues its work in compliance with this Law, Media Law and Broadcasting Law. The Article 37 prescribes the deadlines for the election and appointment of the first bodies of RTCG until the election of which the existing bodies of the Public Enterprise "Radio-Television of Montenegro" continue their work in compliance with the provisions of this Law.

III

The implementation of this Law will require the provision of the funds in the Budget of the Republic allocated for the programming important for science and education development, development of culture, information intended for persons with eyesight and hearing impairments, as well as the funds intended for the programming in Albanian and languages of other national and ethnic groups.

In addition to the costs of the Public Enterprise "Radio-Television of Montenegro" restructuring that are to be stated in the Management Transformation Programme for this enterprise, the Republic of Montenegro as a founder of this enterprise, will have to provide the funds for covering a part of losses ensuing from the long delay of comprehensive changes in this medium. The readiness of the international community to provide the assistance in the transformation process of these state-owned media into public broadcasting services was made conditional upon the prior adoption of legislation and consequent readiness of management and editorial structure to commence the comprehensive transformation.