

Decision amending the Law on Radio-Television of the RS

In the exercise of the powers vested in me by Article 5 of Annex 10 to the General Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative is the final authority in theater regarding interpretation of his mandate; and considering in particular Art. II.1.(d) of the same Agreement, entrusting on the High Representative the power to facilitate, as he judges necessary, the resolution of any difficulties arising in connection with civilian implementation; recalling the interpretation of such a power given in paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn the 10 December 1997, particularly sub-paragraph (b) thereof, in terms of which the High Representative is entitled to make binding decisions, as he judges necessary, on the adoption of measures aiming at ensuring implementation of the Peace Agreement throughout Bosnia and Herzegovina, including “interim measures to take effect when parties are unable to reach agreement”;

Considering that, subject to the responsibility of the institutions of Bosnia and Herzegovina for the allocation of frequencies for broadcasting purposes as specified by the Telecommunications Law of Bosnia and Herzegovina, Art. 3 of Annex 9 to the General Framework Agreement for Peace in Bosnia and Herzegovina clearly recognizes the possibility for the Entities to establish and operate, individually or jointly, communication facilities in the form of public radio/television companies; considering however that, in order to provide equal access to information to all members of the public, the establishment and operation of such companies must be in line with public service broadcasting standards set by international law and practice;

Bearing in mind the exhortations of the Peace Implementation Council, particularly Paragraph 63 of the Luxembourg Declaration of 9 June 1998, drawing the Parties’ attention to the importance of a Public Broadcasting System in Bosnia and Herzegovina including a public broadcaster for Republika Srpska; as well as Chapter V, Paragraph 21 of the Madrid Declaration of 16 December 1998, pointing to the need for legislation on public media which enshrines the principles of editorial independence, religious tolerance and financial transparency, prevents any political party from exerting significant control over public broadcasting, and ensures that public broadcasters attempt to address the interests of all the constituent peoples in current affairs programming;

Noting that, in line with the above exhortations, the Government of the Republika Srpska signed on 13 February 1998 an agreement establishing interim arrangements for the restructuring of Srpska Radio Televizija in accordance with European standards of public service broadcasting, supplemented by a further Memorandum of Understanding of 17 August 1998 through which the Government committed itself to a mechanism for transparent and reliable funding of the same broadcaster; noting also that the Government engaged to embody such commitments into a new law which the High Representative instructed to have adopted by 31 December 1998; noting also that, as this was not done, the High Representative’s Decision on Restructuring the Public Broadcasting System in Bosnia and Herzegovina of 30 July 1999 further required in its Article 1, paragraph (C) that the Government of Republika Srpska forward, and the National Assembly of Republika Srpska pass the necessary legislation by 15 August 1999 at the latest; noting finally that, this further deadline having expired, the Government and the National Assembly of Republika Srpska have failed to take any action to ensure compliance;

All this considered, born in mind and noted, I hereby issue the following

DECISION

on Amending the Law on Radio-Television of Republika Srpska

Article 1

By the present Decision the Law on Radio-Television of Republika Srpska, of 7 April 1996 (S.G.R.S. n 8/1996 – hereafter: the Law), is amended as an interim measure, in the way spelt out by the following

Articles.

In order to terminate the validity of this interim measure, the National Assembly of Republika Srpska is hereby requested to pass, by 29 February 2000 at the latest, a piece of legislation to be forwarded to it in due time by the Government of Republika Srpska or other proponent. Such legislation shall further enhance the status of the Radio-Television of Republika Srpska as a public service broadcaster and shall conform to the present Decision, unless amendments or additions are agreed to by the High Representative in advance.

This decision does not in any way abrogate the superseding regulatory powers of the Independent Media Commission or its successor.

Article 2

Chapter I of the Law, including Articles 1 to 17, is hereby repealed in its entirety.

Article 3

Unless repealed in their entirety by the present Decision, all Articles of the Law containing the expression "Srpska Radio Television" are hereby amended, the expression being replaced by the words "Radio Television of Republika Srpska".

Article 4

Article 18 is hereby repealed in its entirety, and is replaced by the following:

"The Public Company Radio Television of Republika Srpska Banja Luka with full liability, is founded for performing the radio-diffuse activity of the interest for Republika Srpska.

Radio diffuse activity includes production and realization of radio and television programming, broadcast of programming through earth, cable, and satellite radio relay links and broadcast of programming through earth and satellite transmitters and cable distribution system.

The Radio Television of Republika Srpska shall perform its activities in line with the laws of Bosnia and Herzegovina and such regulations as made by the Independent Media Commission or its successor, as well as with the laws of Republika Srpska."

Article 5

Article 19 of the Law is hereby repealed in its entirety, and is replaced by the following:

"The basic activities of the Radio Television of Republika Srpska shall be:"

- radio- diffusion-preparation, production, transmission and broadcasting of its own radio and television programming fulfilling the cultural and linguistic needs of the citizens of Republika Srpska;
- exchange and participation in joint programming, programming and technical-technological projects with other radio-diffuse organizations and producers;
- maintenance and development of technical basis for broadcasting and transmission system, introduction and use of new technologies;
- issuing, production and traffic of sound and picture records, notes, books, brochures, manuals, and other editions;
- storage and use of archives of sound and video records;

- organizing of cultural – artistic, musical and other events;
- production of marketing, market surveys, marketing and advertising services.

The Radio-Television of Republika Srpska shall also be involved in other activities which contribute to more successful realization of the basic function, increasing of financial basis for the work and development, and realization of public interest, in accordance with this Law.

Article 6

Article 20 of the Law is hereby repealed in its entirety, and is replaced by the following:

“The Radio Television of Republika Srpska shall conduct no broadcast operations except as provided in a license or licenses granted by the Independent Media Commission or its successor. The Independent Media Commission shall consider and take action on license applications from Radio-Television of Republika Srpska taking into account the provisions of this Law.”

Article 7

Article 21 of the Law is hereby repealed in its entirety and is replaced by the following:

“The Radio Television of Republika Srpska shall provide technological unity of radio-diffuse system for realization of its programs.

The Radio Television of Republika Srpska shall provide accessibility of its programs and shall take care about their audibility and visibility in the territory of the Republika Srpska.”

Article 8

A new Article 21.a is hereby added after Article 21 of the Law:

“While performing its activities, the Radio Television of Republika Srpska shall create a programming which with its timely, unbiased, professional and truthful informing of the citizens, shall contribute satisfying their educational, cultural, and other needs and interests, free informing of audience opinions, and initiate creativity in all areas of social life.

The radio and television programme of the Radio Television of Republika Srpska shall include no less than 25% of programming produced in the territory of Republika Srpska.”

Advertisements shall be clearly separated from other program contents. The overall average length of advertisements may not be longer than 12 minutes within one hour of the program and in total it may not be longer than 15% of the total program.

Article 9

A new Article 21.b is hereby added after Article 21.a of the Law:

“The Radio Television of Republika Srpska shall broadcast, without delay and payment, announcements of the authorities and international community, the broadcast of which was urgent and of special importance for citizens, and in particular announcements on life and health danger and jeopardy to property, security, public peace and order.”

Article 10

A new Article 21.c is hereby added after Article 21.b of the Law:

“Mutual rights and obligations of the Radio Television of Republika Srpska towards other radio and television organizations with regard to usage of transmitters, production, as well as other issues shall be arranged by contract.

News programs of the public companies founded by municipal assemblies of territorial units for performing radio-diffuse activity for one or more territorial unit shall be limited to the re-broadcast of the main news program of the Radio Television of Republika Srpska, pending a permanent license decision, including program and content conditions, by the Independent Media Commission.”

Article 11

Article 22 of the Law is repealed in its entirety and replaced by the following:

The Radio Television of Republika Srpska shall:

- prepare and realize news, cultural, educational, scientific, entertainment and other programs with the aim to inform the citizens truthfully, timely, professionally and impartially and to contribute to free establishing and expressing of opinions of listeners and viewers;
- contribute to the affirmation of the national values of all the citizens of Republika Srpska;
- timely inform on topical events from abroad which are of direct interest to and serving the cultural and linguistic needs of the citizens of Republika Srpska;
- contribute to general education, health education and protection of environment, expert improvement and spreading of knowledge in all fields;
- inform about scientific activities and encourage the general scientific creativity;
- develop the cultural-artistic creativity and provide the highest quality of artistic programs;
- cherish the human, moral, aesthetic and artistic values;
- contribute to satisfying entertaining, recreation, sport and other needs of citizens;
- contribute to spreading connections with other countries, as relevant to the cultural and linguistic interests of the citizens of Republika Srpska;
- to take care about presenting cultural heritage and artistic creativity in the country and abroad;
- present the contents interesting to the youth;
- contribute to development of domestic cinematography and participate in production of domestic films;
- provide quality and proper presentation of foreign programming.

Article 12

Article 23 of the Law is repealed in its entirety and is replaced by the following:

“The Statute of Radio Television of Republika Srpska shall more closely define: the company, field of work, presentation and representation, bodies of the public company, internal organization, planning of work and development, management, rights and obligations of journalists in carrying out affairs of public informing and other issues of significance to the work and management of the Radio Television of Republika Srpska.

The current Statute of Srpska Radio Televisija is confirmed, and shall apply to Radio Television of Republika Srpska unless amended by the Board of Governors.”

Article 13

Article 24 of the Law is repealed in its entirety, and is replaced by the following:

“Assets and financial resources lawfully at the disposal of the Radio Television of Republika Srpska shall be the property of the Radio Television of Republika Srpska.”

Article 14

Article 25 of the Law is repealed in its entirety, and is replaced by the following:

“The organs of the Radio Television of Republika Srpska shall be the Board of Governors and Director General.

The members of the Board of Governors and the Director General shall not hold any other elected or appointed office.

The Statute of the Radio Television of Republika Srpska shall define the necessary editorial and management structure.”

Article 15

Article 26 of the Law is repealed in its entirety, and is replaced by the following:

“The Board of Governors of the Radio Television of Republika Srpska shall be a management body comprising six members representing independent journalism, the legal profession, the economic sector, the academic community, the Syndicate of the Republika Srpska and the employees of the Radio Television of Republika Srpska, taking into account the cultural, and linguistic diversity of the citizens of Republika Srpska.”

Members of the Board of Governors of the Radio Television of Republika Srpska shall be elected by the National Assembly of the Republika Srpska to a four years mandate.

The National Assembly of the Republika Srpska can recall the Board of Governors of the Radio Television of Republika Srpska due to violation and disrespect of the Statute of Radio Television of Republika Srpska exclusively by a two-thirds majority vote.

The Director General of Radio Television of Republika Srpska shall be appointed by the Board of Governors to a five years mandate.

The authority, rights, obligations, responsibility and other issues of bodies of Radio Television of Republika Srpska shall be arranged by the Statute.

Article 16

Article 27 of the Law is repealed in its entirety.

Article 17

Article 33 of the Law is repealed in its entirety, and is replaced as follows:

“The Radio Television of Republika Srpska shall establish the manner of paying and collect the compensation for the usage of the radio and television receivers, shall keep records on usage of the radio and television receivers.

The Board of Governors of the Radio Television of Republika Srpska, with the previously obtained opinion of the

Government of Republika Srpska, shall determine the amount of compensation referred to in the previous Paragraph.

Subject to the authority of the Independent Media Commission or its successor, the Government is obliged to provide, on a monthly basis, the Radio Television of Republika Srpska with the difference in the resources between the collected subscription fees and total amount that is to be provided in the following three ways:"

1. By 80 % collection of the subscription fees for the television receivers from all the households on the basis of the statistical data from 427,000 households,
2. By 90 % collection of the subscription fees for the radio sets from all the households on the same basis.
3. By 90 % collection of subscription fees for car-radio sets from the number of the registered vehicles.

The Radio Television of Republika Srpska shall submit a report to the Government on the inflow of the subscription fees resources by the third of each month.

The Government of Republika Srpska shall provide the difference of the necessary resources by the tenth day of each month.

The general settlement for the previous year shall be carried out by January 31 of each year.

Article 18

The Board of Governors of the Srpska Radio-Television serving at the time of the coming into force of this Decision will continue unchanged to serve as the interim Board of Governors of the Radio-Television of Republika Srpska until 29 February 2000. Upon that date, the mandate of its members shall expire and a new Board of Governors shall be appointed according to Article 15 of this Decision, except for the member representing the employees of the Radio Television of Republika Srpska who shall be appointed by the High Representative of the International Community in Bosnia and Herzegovina until such time when his office will cease to exist.

Article 19

This Decision, which supersedes all inconsistent legislative and other provisions in force at the time of its enactment, shall enter into force on the first day of September 1999, and will be appropriately disseminated beforehand. It shall thereafter be published in the Official Gazette of the Republika Srpska, within eight days after having entered into force.

31 August 1999

(signed)
Wolfgang Petritsch
High Representative

Office of the High Representative