



**Montenegro
BROADCASTING AGENCY COUNCIL**

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PRESS RELEASE

At its 194th meeting, held yesterday, the Broadcasting Agency Council considered a request for the provision of consent for launching of the tender for awarding the broadcasting frequencies, submitted by the Agency for Electronic Communications and Postal Service.

This issue has been the subject of different opinions and interpretations for a longer period of time, given that thorough amendments to the broadcasting legislation left a great area very vaguely defined or absolutely undefined. One of such serious dilemmas is which authority, according to the new legislation, is the "regulatory body in charge of programme content," as defined by the Electronic Communications Laws.

Interpretation of the contentious issue was done by the Government of Montenegro, which instructed, in its Conclusion of 4 June 2009, the Ministry of Transport, Maritime Affairs and Telecommunications to "warn the Broadcasting Agency and recommend it to perform duties of the regulator in compliance with the Electronic Communications Law, until the adoption of the new electronic media law".

Although a strong interest of all stakeholders to unblock, as soon as possible, the process of allocation of broadcasting frequencies has been recognized, the Council did not accept the aforementioned request of the Agency for Electronic Communications and Postal Service, and did not provide its consent for launching of the tender for awarding the broadcasting frequencies. The Council unanimously confirmed its previous position that the Electronic Communications Law did not provide the Broadcasting Agency with authority to give its consent to launching of the tender for awarding the broadcasting frequencies. The Council also believes that any decision of the Broadcasting Agency exceeding the legally defined framework of its operation would be illegal and ungrounded, which cannot be substituted by any recommendation.

The Council would like to reiterate that adoption of the Electronic Communications Law and the Law on Public Broadcasting Services of Montenegro has reshuffled or abolished a series of competences of the two regulatory authorities, including those defining the terms and conditions and implementation of the procedure for awarding the right to broadcasting/distribution of radio or TV programme. Consequently, the valid legal framework does not regulate the procedure of licensing of broadcasters and operators involved in the distribution of radio and TV programmes to end users. In such a situation, the manner and conditions for the organization and completion of the tender for awarding the right to use of broadcasting frequencies are not defined in compliance with the positive legal regulation of Montenegro.

Finally, the Government's conclusion that the Broadcasting Agency should perform duties of the regulatory body for program contents creates an illusion that obvious shortcomings of the Electronic Communications Law have been solved. The Council still believes that the problem of incomplete legal framework, not only in this respect, can be solved only by adopting new Electronic Media Law, and amending the existing Electronic Communications Law.

**Chairman
of the Broadcasting Agency Council**

Zdravko Uskokovic, PhD