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2020 ACTIVITY REPORT
THE AGENCY FOR ELECTRONIC MEDIA

Podgorica, April 2021

TABLE OF CONTENTS:

INTRODUCTION	
DRAFTING AND IMPLEMENTATION OF PRIMARY AND SECONDARY LEGISLATION FOR THE AVM SECTOR	3
ENFORCEMENT OF THE LAW ON ELECTRONIC MEDIA	12
STATE-OF-PLAY IN THE MARKET OF RADIO AND TV PROGRAMME DISTRIBUTION TO END USERS	42
MEDIA LITERACY PROGRAMME	45
INTERNATIONAL COOPERATION	47
PUBLICITY AND IMPROVED AEM OPERATION	53
2019 FINANCIAL PERFORMANCE	56
Appendix 1 – An overview of requests for free access to information	59

INTRODUCTION

The context shaped by the COVID-19 pandemic marked the work of the Agency for Electronic Media (AEM) in 2020. All activities were planned and undertaken in full observance of epidemiological measures and recommendations aiming to ensure continuity of operation and timely delivery of statutory responsibilities. Apart from issuing recommendations concerning the reporting on the current situation and the efforts focused on preventing spreading of the virus and outbreak containment, AEM relieved broadcasters of some responsibilities in reference to the annual broadcasting fee. Additionally, it also supported the broadcasters involved in the remote learning initiative “Uci doma”, and exempted them from payment of the broadcasting fee in 2020 altogether.

Following the adoption of the Media Law in 2020, AEM undertook necessary actions to ensure effective implementation of the new provisions. These include the delivery of information and documentation relevant for establishing the single media outlet records to cover both the traditional and the new media, i.e. online publications (web-based portals). Over the same period, AEM made all the preparations needed to put in place the assumptions for following on its responsibilities in reference to allocation of funding to electronic media from the Fund for Fostering Media Pluralism and Diversity.

Special focus was given to monitoring the election campaigns for the parliamentary and local elections held in August 2020.

In the international arena, the AEM representatives followed, in the remote mode, the work of the Contact Committee for implementing the Directive on Audiovisual Media Services (AVMS Directive) and the European Regulators Group for Audiovisual Media Services (ERGA). This made it possible for the AEM to be up to speed with the solutions and challenges faced by the AVM sector and the regulatory developments in the context of the COVID-19 pandemic. We continued to partake in virtual meetings of the regional networks of media regulators (EPRA, MNRA), as well as in the activities concerning the preparations for negotiation talks in Chapter 10 - Information Society and Media, Chapter 8 – Competition, Chapter 23 – Justice and Fundamental Rights and Chapter 28 – Consumer Protection.

The AEM’s 2020 Activity Report is a document featuring information on the exercise of its responsibilities directly envisaged in the Law or pertinent secondary legislation. Under the Law on Budget and Fiscal Responsibility, this Report, together with the AEM’s 2020 Financial Report, is submitted to the Parliament of Montenegro for consideration and adoption.

DRAFTING AND IMPLEMENTATION OF PRIMARY AND SECONDARY LEGISLATION FOR THE AVM SECTOR

1. Media Law

The new Media Law¹, which entered into force in August 2020, governs the main principles of media freedoms, freedom of expression, transparency of media ownership and media funding from public sources, transparency of media advertising, safeguarding media pluralism; rights, obligations and responsibilities in information; safeguarding specific rights; the right to a reply and correction; media recordings retention and the right of inspection of such recordings, and other matters relevant for the work of media outlets.

The new law regulates some matters governed by the 2002 Media Law differently, and introduces some new provisions. Among the most relevant matters introduced are the definition of media, and the duties concerning the transparency of media ownership and financing from public sources.

Media, as defined in the Law, include the actors involved in the production and dissemination of media contents, with editorial control or oversight of such contents, intended for an indefinite number of people.

Thus, media include information, analyses, comments, opinions, and authored works in textual, audio, audiovisual or other format with the aim of information and meeting the cultural, educational and other needs of the public.

Hence, unlike the approach taken by the previous law, now instead of a list of types of media or the definition of what media are not, a descriptive definition is introduced intended to respond to dynamic development of the media sector with constant emergence of new services and actors. The key issue for recognition and definition of an activity (production and marketing of a service or goods) as “media” refers to enabling the production and dissemination of media content, the existence of editorial control or oversight of such content with an intention to make it available to an indefinite number of people.

The new Law establishes a **single records of all media outlets**, to be kept by the Ministry of Public Administration, Digital Society and Media (hereinafter: the Ministry), as an authority responsible for media matters. All media outlets (including electronic media and electronic/web-based publications) are to be entered in the records (Art 9). The registration application is to be submitted by the founder or the authorised person, and supplemented with the founding act and the decision of the registration authority. Under Article 64 of the Law, once the media outlet records are in place, the provisions of Art 12(1)(7) and Articles 126 & 127 of the Electronic Media Law, envisaging the AEM to keep records of AVM service providers, and the procedure for application and keeping the register, will be repealed.

In line with the above, in November 2020 AEM transferred all the registers of AVM service providers and e-publications (web-based portals), and the licences for provision of AVM services, to the Ministry of Culture (at the time the central authority responsible for media matters) in print and electronic versions.

Another point of difference between the old and the new Media Law is that the new provisions stipulate more information to be provided in an **impressum** (Art 11 para 1), without elaborating on the method for publishing the impressum nor the contents or method of publication of the shorter version of the impressum as it was stipulated by the previous Law. Electronic media

¹ Official Gazette of Montenegro 82/20.

broadcasters are obliged to ensure that *“the impressum shall be clearly visible, readily recognisable and constantly available”*, as stipulated by Article 11 para 3 of the Media Law.

Article 11 of the Media Law (paragraph 4) also stipulates the **obligation to publish the information on media outlet founders and ownership structure**. A media outlet founder is obliged to enable a straightforward, direct and continued access to:

- the information on legal entities and natural persons who hold, directly or indirectly, more than a 5% share in the founding capital of the media,
- the information about their affiliated persons in terms with the law governing audiovisual media services², and
- the information on other media founders in which those persons hold more than a 5% share in the founding capital.

Such information include: the legal entity’s commercial name, official address and TIN, natural person’s name and their respective shares in managerial rights.

Another novel provision (Art 11(6)) of the Media Law prevents the public sector from advertising in media outlets that have not disclosed the impressum and the ownership structure information.

In case of audiovisual media services (electronic media), AEM (Art 59) is entrusted with the supervision over the compliance with Art 11 paras 1&4 of the Media Law.

Among the most significant novelties brought about by the new Media Law is the set of provisions concerning **transparency of media funding from the public sources** (Art 13-16 of the Law). Public authorities are mandated to keep records of financial payments to media outlets. These records will be kept by the Ministry (Art 13 of the Media Law), and contain:

- 1) the information on the amount of funding granted to media outlets for the provision of public services under this Law. This obligation will apply to AEM (AEM Council) concerning the allocations from the Fund for Fostering Media Pluralism and Diversity;
- 2) data on the amount of financial resources received from the public sector, defined by the law governing the budget and fiscal responsibility³.

The data on the amount of funding allocated to the media for the provision of public services shall be submitted by the body granting funding for the provision of public services, and the data on the amount of funding received from the public sources shall be submitted by the media founder within 30 days.

Art 14 and 15 of the Media Law stipulate the obligations of a public authority concerning the publication and submission of records of payments made to media outlets on the grounds of advertising and other contracted services. Given that this pertains to the AEM (as a public body), this means that the AEM is obliged:

- 1) by 31 March of the current year for the previous year, to post on its webpages the records of payments to media outlets made on the grounds of advertising and other contracted services. The records include funds paid through agents, clearly separating advertising from other contracted services paid to media outlets⁴.

² The Electronic Media Law, Art 130.

³ Under Art 2(17) of the Law on Budget and Fiscal Responsibility (Official Gazette of Montenegro 020/14, 056/14, 070/17, 004/18, 055/18), *“the public sector shall include state authorities, municipalities, public institutions, independent regulatory bodies, companies and entities in which the state or municipalities hold a majority share”*.

⁴ AEM records for 2020 available at <https://aemcg.org/obavjestenje/transparentnost-finansiranja-medija/>.

- 2) by 15 April of the current year for the previous year, submit to the Ministry the records of all payments to media outlets made on the grounds of advertising and other contracted services.

The provisions of Art 17-23 of the new Media Law govern the establishment, the sources and the method of allocation and use of the funding from the **Fund for Fostering Media Pluralism and Diversity**. Through it, the state will provide funding for the projects in the area of public information from the central budget (Art 17). The Fund will be provided with the budget of a minimum of 0.09% of the current budget as per the annual Budget Law (Art 18).

The allocation of funding from the Fund is anticipated to be done by:

- 1) the AEM Council (as the regulator for audiovisual media services), 60% of the available funds, transferred to the sub-fund for commercial and non-for-profit broadcasters; and
- 2) an independent commission set up by the Ministry, 40% of the available funds, transferred to the sub-fund for daily and weekly print media and online publications.

The funds intended for the two respective sub-funds are deposited to separate transfer accounts of the two bodies responsible for the allocation (i.e. AEM and the Ministry) and belong:

- 1) 95% to sub-funds, and
- 2) 5% for operational costs of the bodies responsible for the allocation.

Art 19 of the Media Law stipulates 5% of annual funding to be appropriated from each sub-fund to cover the operational costs of various self-regulation mechanisms.

Self-regulatory bodies apply once a year for the coverage of their operational costs to the body responsible for the given sub-fund, upon their public call. The self-regulatory body of the national public broadcaster Radio and Television of Montenegro (Ombudsperson) is not eligible for financing from the Fund.

Art 20 of the Media Law stipulates the programme content eligible for funding from the Fund. It also stipulates that such funding cannot be granted to projects financed from donations, sponsorships or grants provided by domestic or foreign institutions.

Under Art 21 of the Media Law, the AEM Council allocates the funding from the Fund once a year, as per a public call.

Under Art 22 of the Media Law, the AEM is obliged to adopt an enactment stipulating the rights and responsibilities in provision of public services supported from the Fund. The enactment is to provide details on the criteria and the procedure for awarding funding from the sub-fund, the eligible uses for such funding, and the maximum amount of funds that can be allocated to a single media outlet in the course of one year. The funding is allocated for a clearly defined purpose, without discrimination and based on the predefined, clear, objective and transparent criteria and scoring methodology.

AEM is obliged to keep records of the allocations for provision of public services and post the pertinent report on its webpages within 3 days from the funding being awarded.

Art 65 of the Media Law stipulates that the provisions relevant for the Fund's establishment and operation (Art 17(1) and Art 18 to 23) will apply upon the expiry of six months since its entry into force, hence since mid-February 2021. The piece of secondary legislation governing the rights and responsibilities on provision of public services funded from the Fund is set to be adopted within 12 months from the Media Law becoming effective (Art 63), or by mid-August 2021. Nevertheless, AEM intends, depending on the provision of funds from the central budget in 2021, to be prepared and issue the public call and make the funding available as soon as possible after the adoption of the pertinent secondary legislation.

One of the key novelties introduced by the Media Law is the **inclusion of online publications (web-based portals) under the definition of media, thus ensuring that their operation is regulated in a more comprehensive manner.** While under the Electronic Media Law AEM had a set of powers over e-publications⁵, the new Media Law abolishes its powers in reference to:

- supervision over their work, and
- registration and keeping the register of electronic publications.

Art 66 of the Media Law envisages that the following provisions of the Electronic Media Law concerning electronic publications will be repealed as of its effectiveness:

- Art 8(1)(19) – definition of electronic publication;
- Art 45 – the AEM power to adopt general and individual legal acts governing in more details the rights and obligations of electronic publications;
- Art 125 - provisions of Art 46, 47, 48 and Art 55 (1)&(2) of the Electronic Media Law applying to the electronic publication identification, the right to correction and reply, and the obligations regarding their content; and
- Art 144 – AEM power to decide upon complaints against e-publication service providers.

Thus, the AEM responsibilities of supervision over the operation of online publications – web-based portals has been abolished.

2. *The Law on the National Public Broadcaster RTCG*

The new Law on the National Public Broadcaster Radio and Television of Montenegro⁶ (RTCG Law), which entered into force in August 2020, brought about several novelties which, inter alia, concern AEM as the regulator for audiovisual media services.

The process of **introducing new services** (Art 10 of the RTCG Law) envisages that the decision to introduce a significantly new audiovisual service or several such services is to be passed by the AEM Council. Prior to that, RTCG is obliged to provide the AEM Council with the comments and suggestions received through the public consultations, together with the opinion of the body responsible for state aid.

RTCG delivers on the obligation to secure an appropriate **share of European audiovisual works and independent productions** (Art 11 of the RTCG Law) by submitting a report to the RTCG Council and AEM by the end of March of the current year for the previous year. The new law envisages that:

- a) RTCG is obliged to ensure that European audiovisual works account for at least 51% of its annual broadcasting time (which is the minimum stipulated by the Electronic Media Law). Moreover, the RTCG is obliged to broadcast at least 40% of these works originally in Montenegrin, the languages in the official use and the Romani language in each of its television programmes.
- b) RTCG is obliged to ensure at least 10% of its programme production plan for the current year for the purchase of European works of independent productions, where half of the

⁵ For more details, see the section on Registration and Identification of Electronic Publications.

⁶ Official Gazette of Montenegro 80/20.

funds need to be intended for the works produced originally in Montenegrin, the languages in official use and the Romani language.

The new RTCG Law contains the revised provisions which refer to the **duration and scheduling of advertising and teleshopping**⁷ (Art 22).

Currently, advertising and teleshopping must not exceed the following shares in the TVCG airtime:

- 15% of the airtime from 06:00 to 18:00 (108 minutes), and
- 15% of the airtime from 18:00 to 24:00 (54 minutes).

In addition, between 20.00 and 22.00 hours, advertising and teleshopping are prohibited. Exceptionally, advertising and teleshopping are allowed at this slot in case of broadcasting an event of major importance for the public⁸.

As for the Radio of Montenegro (RCG) programmes, advertising is not to exceed seven minutes per an hour of air time.

One of the most significant changes refers to the abolishment of the provision requiring mandatory contract for provision of public services, stipulating programming duties for services of public interest, the amount of funds required and the sources of funding, concluded between the Government of Montenegro and RTCG. **On the other hand, the model of funding received from the central budget (0.3% of GDP annually) was retained.**

In addition, the conditions are stipulated for the appointment/dismissal and the rights and responsibilities of the **ombudsperson**, as the RTCG self-regulatory body mandated to:

- 1) consider submissions and complaints raised by listeners, viewers and users of the RTCG portal;
- 2) consider human rights violations and discrimination of any kind in aired programmes;
- 3) monitor the adherence to RTCG programme principles;
- 4) monitor the compliance with the principles of the freedom of expression, right to media availability, right to true and verified information, and the right to rebuttal;
- 5) give recommendations to RTCG editorial office and mediate the two-way communication between the media outlet and the public.

3. Modifications to the Broadcasting Frequency Allocation Plan

Under the Law on Electronic Communications (Art 98) and the Electronic Media Law (Art 12), in 2020 the AEM Council gave its consent on three occasions to changes to the broadcasting frequencies allocation plan for analogue and digital terrestrial broadcasting. The changes referred to:

- 1. 1. Modification to the Allocation Plan for radio frequencies from the 87,5 – 108 MHz band for FM radio**⁹ in response to the demand to award/modify the licence for the use of radio frequencies for the national public broadcaster RTCG for:
 - a. Channels 1 and 2 of “Radio Crne Gore”, from the location Bratogošt in the municipality of Nikšić,
 - b. Channel 2 of “Radio Crne Gore”, from the location Vrmac in Kotor municipality.

⁷ According to the old law, advertising could not have gone above 10% (six minutes) per an hour of air time, and not more than 15% (nine minutes) of advertising and teleshopping in any single hour of air time in RTCG programmes.

⁸ The Decision on the List of Events of Major Importance for Society (Official Gazette of Montenegro 11/12).

⁹ AEM Council Decision approving the Decision amending the Allocation Plan for radio frequencies in the 87,5-108 MHz band for FM radio (01-104/2 of 07 February 2020). The amended decision was published in the Official Gazette of Montenegro 011/20.

It also responded to the applications by:

- a. "Jumedia Mont" d.o.o. Podgorica and "M.D. Company" d.o.o. Podgorica for relocation of a transmitter from the Ostrog site within the territory of Nikšić Municipality to Suđina Glava (Tović) in the same municipality for broadcasting the radio programmes of Radio D and Radio D plus,
- b. "Metropolitan Media" d.o.o. Cetinje for the extension of the service zone by broadcasting the programmes of Radio Svetigora from the Morača site within the territory of Kolašin municipality.

2. Modification to the Allocation Plan for radio frequencies from the 87.5-108 MHz band for FM radio and the Modification to the Allocation Plan for radio frequencies from the 174-230 MHz and 470-694 MHz bands for DTT and T- DAB systems¹⁰ in response to the applications by "Jumedia Mont" d.o.o. Podgorica (Radio D) and "M.D. Company" d.o.o. Podgorica (Radio D plus) for transferring their transmitter from the site of Fundina to Sjenica, Podgorica Municipality.

On the same occasion, the request filed by "Radio-difuzni centar" d.o.o. Podgorica to modify the Allocation Plan for radio frequencies from the 174-230 MHz and 470-694 MHz bands for DTT and T- DAB systems to extend the service zone for digital terrestrial television by extending the digital terrestrial networks MUX1 and MUX2, and achieving greater coverage by national public broadcasters and other broadcasters in the municipalities of Ulcinj and Danilovgrad was granted.

More information on these modifications and the AEM Council approvals, the criteria concerning the sites and the allocated radio-frequencies is available at the AEM webpages (www.aemcg.org).

4. Shares of European audiovisual works and independent productions

In line with the Law on Electronic Media (Art. 61 & 63) and the rulebooks on requirements for achieving minimum shares of European audiovisual works¹¹ and audiovisual works of independent producers¹², the **conditions to be met by national TV broadcasters (covering at least 75% of the population in more than 10 local-self-government units)¹³ have been defined** in order to reach the set shares within five years:

- European audiovisual works need to make up at least 51% of the annual transmission time of these broadcasters,
- audiovisual works of independent producers are required to make up at least 10% of their annual transmission time.

The broadcaster that does not meet the required shares for European audiovisual works and independent production is obliged to increase each year its share of those works compared to the year before by at least one fifth of the missing share in late 2014. The lowest initial share for European audiovisual works may not go below 5% of the annual air time. The rulebooks stipulate the method and deadlines for broadcasters to submit quarterly reports on where they stand with meeting his requirement.

Based on the information available on respective shares in 2019, AEM concluded that broadcasters with national coverage are supposed to meet the following minimum shares in 2020:

¹⁰ Decision approving the Decision amending the Allocation Plan for radio frequencies in the 87.5-108 MHz band for FM radio (01-500/3 of 01 July 2020) the Decision amending the Allocation Plan for radio frequencies in the 174-230 MHz and 470-694 MHz bands for DTT and T-DAB systems (01-500/2 of 01 July 2020). The Decision was published in the Official Gazette of Montenegro 116/20.

¹¹ Official Gazette of Montenegro 47/14.

¹² Official Gazette of Montenegro 47/14.

¹³ TVCG1, TVCG2, TV Vijesti, TV Prva, TV Nova M (in late 2019).

- for European audiovisual works – 51%,
- for independent production – 10%.

The analysis of the data provided leads to the **following conclusions**:

- commercial television broadcasters **TV Vijesti, TV Prva and TV Nova M** comply with the **requirement for the share of European audiovisual works**;
- the television programme broadcaster TV Vijesti **does not reach the required share**, while **TV Prva and TV Nova M** comply with the **required share of audiovisual works of independent producers**.
- The national public broadcaster **RTCG** **did not reach the required share** for television programmes TVCG1 and TVCG2. RTCG failed to provide in due time the information on the shares of European audiovisual works and audiovisual works of independent producers in their annual air time (by quarter). After the urgencies by the AEM, it provided incomplete information. The information provided contained programme content which, under the Rulebook, cannot be regarded as European audiovisual works (e.g. short news programmes, news in Albanian language “Lajmet”, news programme “Dnevnik”, reruns of some content). In addition, the information on certain content was provided selectively, mostly the ones from the archives of documentary and educational programmes, while some content that was actually aired was not included in the information provided. Given the above, AEM issued a warning on the account of violation of Art 5(1) of the Rulebook on the Requirements for Achieving Minimum Programme Shares for European Audiovisual Works¹⁴. Notwithstanding the warning, the broadcaster failed to provide full and appropriate information on shares of European audiovisual works and the audiovisual works of independent producers in their annual air time.

The tables below show the shares of European audiovisual works and the audiovisual works of independent producers in the programmes of broadcasters that provided the data on the programmes aired in 2020.

EUROPEAN AUDIOVISUAL WORKS (EU AVW)										
Period	TVCG1		TVCG2		TV NOVA M		TV PRVA		TV VIJESTI	
	Reported EU AVW (min)	% programme	Reported EU AVW (min)	% programme	Reported EU AVW (min)	% programme	Reported EU AVW (min)	% programme	Reported EU AVW (min)	% programme
JAN –MAR	/	/	/	/	81.299	62,04	61.140	46,66	73.772	56,30
APR - JUN	/	/	/	/	81.414	62,13	72.875	55,61	73.375	55,99
JUL -SEP	/	/	/	/	77.637	58,60	82.459	62,24	73.727	55,65
OCT -DEC	/	/	/	/	78107	58,96	93.835	70,83	65.651	49,56
TOTAL	/	/	/	/	318.457	60,42	310.309	58,88	286.525	54,36

Table 1.: Shares of European audiovisual works in 2020

AUDIOVISUAL WORKS OF INDEPENDENT PRODUCERS (AVW IP)					
Period	TVCG1	TVCG2	TV NOVA M	TV PRVA	TV VIJESTI

¹⁴ AEM enactment 02 – 1120/3 of 18 November 2020

2020 Activity Report of the Agency for Electronic Media

	Reported EU AVW IP (min)	% programme	Reported EU AVW IP (min)	% programme	Reported EU AVW IP (min)	% programme	Reported EU AVW IP (min)	% programme	Reported EU AVW IP (min)	% programme
JAN –MAR	/	/	/	/	30.655	23,39	61.140	46,66	8.835	6,74
APR - JUN	/	/	/	/	30.502	23,28	56.295	42,96	6.033	4,60
JUL -SEP	/	/	/	/	41.530	31,35	75.311	56,85	4.559	3,,44
OCT -DEC	/	/	/	/	32.449	24,49	79.335	59,88	7.660	5,78
TOTAL	/	/	/	/	135.136	25,64	272.081	51,62	27.087	5,14

Table 2.: Shares of audiovisual works of independent producers in 2020

The Rulebook on the Requirements for Achieving Minimum Programme Shares for European Audiovisual Works, under Art 82 of the Electronic Media Law, stipulates that on-demand AVM service providers (cable operators) can meet their obligation to promote production and access to European works by:

- 1) investing in production or purchasing the rights to European works;
- 2) including and/or highlighting European works in the programme catalogues they offer.

Three AVM service providers („Crnogorski Telekom“ a.d. with its „Extra TV“ service, „Telemach“ d.o.o. with its „Telemach“ service and, „MTEL“ d.o.o. with its „MTEL“ service) provide the service of receiving on-demand programmes (“Video on demand”) as a part of their offer. Examination of this segment of their services reveals that these operators may significantly improve the promotion of production of and access to European works.

5. Changes in the AEM Council composition

The term in office of the AEM Council member, Prof Dr Saša Knežević expired in December 2020.

Aiming to ensure continued smooth operation, the AEM Council notified the Parliament of Montenegro in May 2020 of the need to launch the procedure for nominating a new Council member.

In mid-2020, the parliamentary Administrative Committee launched a public call for the academia to submit their nominations, eliciting no nominations. The same call was repeated in November 2020. The new member was appointed in early 2021.

AEM COUNCIL MEMBERS (December 2020)

- **Ranko Vujović**, nominated by the Association of Commercial Broadcasters, Council Chair
- **Prof Dr Saša Knežević**, nominated by the University
- **Edin Koljenović**, nominated by the NGOs for the protection of human rights and freedoms
- **Rajko Todorović**, nominated by the Montenegrin PEN Centre
- **Boris Raonić**, nominated by the NGOS dealing with the media matters

OVERSIGHT OF THE LAW ON ELECTRONIC MEDIA IMPLEMENTATION

1. *Public competitions for awarding broadcasting rights*

The public competition for awarding radio broadcasting rights of 28 July 2020¹⁵ offered 24 frequencies for FM radio, primarily intended for commercial broadcasters, while the interested eligible persons could apply for the status of non-for-profit broadcasters.

Having considered all complete and timely applications, the AEM Council made the decision¹⁶ to award broadcasting rights to the following companies:

- “Oki Air Broadcasting” d.o.o, for “**EL Radio**”, the coverage zone in the Municipality of Podgorica, Sjenica site (97,4 MHz) – new licence,
- “Metropolitan Media” d.o.o. for “**Radio Svetigora**”, the coverage zone in municipalities of Kolašin, Žabljak and Plužine, Morača (107,0 MHz), Pitomine (95,1MHz) and Unač (106,5 MHz) sites, respectively.

There was no interest expressed for 21 frequency.

2. *Issuance of new licences for AVM services providers*

Based on the application by “**Lokalni javni emiter Radio Televizija Kolašin**” d.o.o. (local public broadcaster Radio & Television Kolašin), AEM issued the broadcasting licence for general radio programme “**Radio Kolašin**” (Licence no.. O-R-J-18), thus acquiring the status of a local public broadcaster and the right to use the broadcasting frequency 100.6 MHz (at Bablja Greda, Kolašin) and electronic communication networks without making use of broadcasting frequencies for broadcasting the programme intended for an indefinite number of users¹⁷. The licence is valid for 10 years, or until 15 September 2030.

Based on the application by “**Lokalni javni emiter Radio Televizija Podgorica**” d.o.o. (local public broadcaster Radio & Television Podgorica), AEM issued the broadcasting licence for general radio programme “**Radio Podgorica**” (Licence no. O-R-J-19), thus acquiring the status of a local public broadcaster and the right to use the broadcasting frequency 103.00 MHz (at Sjenica, Podgorica) and electronic communication networks without making use of broadcasting frequencies for broadcasting the programme intended for an indefinite number of users¹⁸. The licence is valid for 10 years, or until 27 November 2030.

Pursuant to the Decision Awarding Broadcasting Rights no. 01-1142 of 23 October 2020, AEM issued to “**Oki Air Broadcasting**” d.o.o. new licence for broadcasting specialised entertainment radio programme “**EL Radio**” (Licence no. O-R-K-56)¹⁹ thus acquiring the status of a local public broadcaster and the right to use the broadcasting frequency 97.4 MHz (at Sjenica, Podgorica) and electronic communication networks without making use of broadcasting frequencies for broadcasting the programme intended for an indefinite number of users. The licence is valid for 10 years, or until 02 November 2030.

¹⁵ AEM Council enactment no. 01-647 of 28 July 2020

¹⁶ AEM Council enactment no. 01-1142 of 23 October 2020

¹⁷ AEM enactment no. 02-997/2 of 15 September 2020

¹⁸ AEM enactment no. 02-1203/2 of 27 November 2020

¹⁹ AEM enactment no. 02-1178 of 02 November 2020

3. *Licence transfer*

On 25 December 2020, the AEM Council gave its **consent for permanent transfer** of the licence for broadcasting the television programme **“TV A1 Montenegro”** no. O-TV-K-02 of 21 July 2011 from “Atlas Media Group” d.o.o. Podgorica to “A Media Team” d.o.o. Podgorica (reg. no. 5-0935043, TIN 03320260)²⁰. On that ground, on 01 February 2021 the AEM director issued the **Decision Amending the Broadcasting Licence**²¹ no. O-TV-K-02 of 21 July 2011, referring to the change in the name of the Licencing Broadcaster holder.

Acting ex officio, AEM issued the Decision to Transfer the Licence for Provision of On-demand AVM Services **“Media Box”** no. O-AVMD-11, from the temporary holder **“MTEL”** d.o.o. Podgorica to **“Mir i Teuta”** d.o.o. Ulcinj²².

4. *Change in the coverage zone*

Pursuant to the Decision Awarding Broadcasting Rights (ref.no. 01-1142 of 23 October 2020), AEM issued to **“Metropolitan Media” d.o.o. Podgorica**, a commercial broadcaster of general radio programme **“Radio Svetigora”**, the Decision²³ to modify the Broadcasting Licence no. O-R-K-36 by way of extending the coverage zone (to include the municipalities Kolašin, Žabljak and Plužine), with the corresponding increase in the broadcasting fee.

Upon the notification from **“Maxko” d.o.o. Kotor**, a commercial radio broadcaster of **“Radio Skala”**, of their intention to relinquish the use of the frequency in the Municipality of Tivat (92.7 MHz at Luštica/Obosnik), AEM issued the Decision²⁴ amending the Broadcasting Licence no. O-R-K-35 to reduce the coverage zone, and change the broadcasting fee accordingly.

Pursuant to the request to change the Broadcasting Licence terms for **“Jumedia Mont” d.o.o. Podgorica**, a commercial broadcaster of general radio programme **“Radio D”**, AEM issued the Decision²⁵ amending the Broadcasting Licence no. O-R-K-10, taking note of the change in frequency and signal broadcasting location in the Municipality of Nikšić (from 93.2 MHz (Ostrog) to 93.4 MHz Tović-Sušina Glava), and adjusting the broadcasting fee accordingly.

Upon the notification from **“M.D. Company” d.o.o. Podgorica**, a commercial broadcaster of general radio programme **“Radio D Plus”**, AEM issued the Decision²⁶ amending the Broadcasting Licence no. O-R-K-12, taking note of the change in frequency in the Municipality of Nikšić (to 94.4 MHz, from Ostrog to Tović-Sušina Glava site), and adjusting the broadcasting fee accordingly.

5. *Change of ownership structure in AVM service provider licence holders*

Under the Law on Electronic Media, the AEM Council gave its **prior consent for substantial change in the ownership structure** of the company **“Zen Master Production” d.o.o. Herceg Novi** (TIN: 02798484), **broadcaster of “TV Novi”**, approving the transfer of 60% ownership share from the then owner Perica Đaković from Herceg Novi to the new owner Boris Đurašić from Cetinje²⁷.

In addition, in December 2020, **AEM Council gave its prior consent to substantial change in ownership structure** of **“TDI Radio” d.o.o. Podgorica** (TIN: 02893401), commercial broadcaster of general radio programme **“TDI Radio”**, approving the transfer of 51% ownership share from the then

²⁰ AEM Council enactment no. 01-1288/3 of 25 December 2020

²¹ AEM Decision no. 02-85 of 01 February 2021

²² AEM enactment no. 02-1172 of 29 October 2020

²³ AEM enactment no. 02-1174 of 30 October 2020

²⁴ AEM enactment no. 02-1035/1 of 30 September 2020

²⁵ AEM enactment no. 02-580/1 of 08 July 2020

²⁶ AEM enactment no. 02-581/1 of 08 July 2020

²⁷ AEM Council enactment no. 01-628/1 of 28 July 2020

owner Miloš Krdžić from Belgrade, Serbia to the new owner "United Media" S.a.r.l. based in Luxembourg, the Grand Duchy of Luxembourg (reg. no B184939)²⁸. Then the broadcaster abolished this change in ownership structure and requested a new change. On 21 January 2021, the AEM Council gave its **prior consent for the change in ownership structure** approving the transfer of the 51% ownership share from the owner Miloš Krdžić from Belgrade, Serbia to "Global Media Tehnology" d.o.o. based in the Republic of Serbia (reg.no. 21337234)²⁹. This Decision **abolished** the prior AEM Council Decision envisaging the change in ownership structure by transferring a 51% share to "United Media" S.a.r.l. Luxembourg.

6. *Change in name and identification sign*

Due to the **change in the name and the identification sign**, AEM modified the **Broadcasting Licence for specialised radio programme "Radio S3"** no. O-R-K-07³⁰ issued to „HIT FM“ d.o.o. Herceg Novi (previous name/identification sign was "Radio S2").

7. *Change in status*

Due to the **change in the programme status**, AEM modified the Broadcasting Licence no. O-R-K-33 issued to "AST" d.o.o. Podgorica, a commercial broadcaster of the radio programme "Radio Play Montenegro" by awarding the status of a specialised music radio programme³¹.

8. *Change in programme structure*

AEM modified the broadcasting licences in the section concerning the programme structure (2.1. of the Broadcasting Licence and Annex 2) for the following broadcasters:

- **"Javni radio difuzni servis Radio Televizija Herceg Novi" d.o.o. Herceg Novi** for broadcasting general television programme **"Televizija Herceg Novi"**³²;
- **"Antena M" d.o.o. Podgorica**, for broadcasting general radio programme **"Radio Antena M"**³³;
- **NGO "Kulturni Centar Homer" Podgorica**, for broadcasting general radio programme **"Radio Homer"**³⁴;
- **"Media International Corporation" d.o.o. Podgorica**, for broadcasting general radio programme **"Radio DRS"**³⁵.

9. *Monitoring adherence to programme standards*

The monitoring of broadcasted or distributed contents by AVM service providers (via different platforms) is a significant tool available to AEM in pursuit of its regulatory and supervision functions, under the Law.

²⁸ AEM Council enactment no. 01-1324/2 of 25 December 2020

²⁹ AEM Council enactment no. 01-52/3 of 28 January 2021

³⁰ AEM enactment no. 02-1115/1 of 20 October 2020

³¹ AEM enactment no. 02-1044/6 of 23 October 2020

³² AEM enactment no. 02-504/7 of 30 July 2020

³³ AEM enactment no. 02-1108/1 of 16 October 2020

³⁴ AEM enactment no. 02-1281/5 of 28 December 2020

³⁵ AEM enactment no. 02-1361 of 25 December 2020

The monitoring is done in pursuit of the AEM's mandate, the powers and responsibilities regarding supervision over the implementation of primary and secondary legislation, and with the aim of developing statistical databases, records, tracking trends, etc.

In 2020 AEM published the following monitoring reports:

- Analysis of current affairs content of national TV broadcasters during COVID-19 - April 2020;
- Analysis of current affairs content of regional TV broadcasters during COVID-19 - April 2020;
- Analysis of current affairs content of local TV broadcasters during COVID-19 - May 2020;
- Programme structure of national TV broadcasters – June 2020;
- Media reporting during the campaign for parliamentary and local elections held on 30 August 2020 - September 2020;
- Programme structure of RTCG - November 2020;
- Information Brief on Compliance with the Licence Terms – Non-for-Profit Broadcasters November 2020;
- Programme Structure of Commercial TV Broadcasters with Regional Coverage - November 2020;
- Programme structure of television broadcasters with national coverage - December 2020;
- Programme structure of television broadcasters with local coverage - December 2020;
- Information brief on television content for children - December 2020;
- Programme Structure of Commercial Radio Broadcasters - December 2020.

The above reports are available at the AEM webpages

www.aemcg.org

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10. Compliance with programme structure

Currently, the total of 78 electronic media outlets are operational in Montenegro, three more than the year before. They include 56 radio and 22 television channels. There are in total 26 programmes of public radio and television broadcasters, and two non-for-profit programmes.

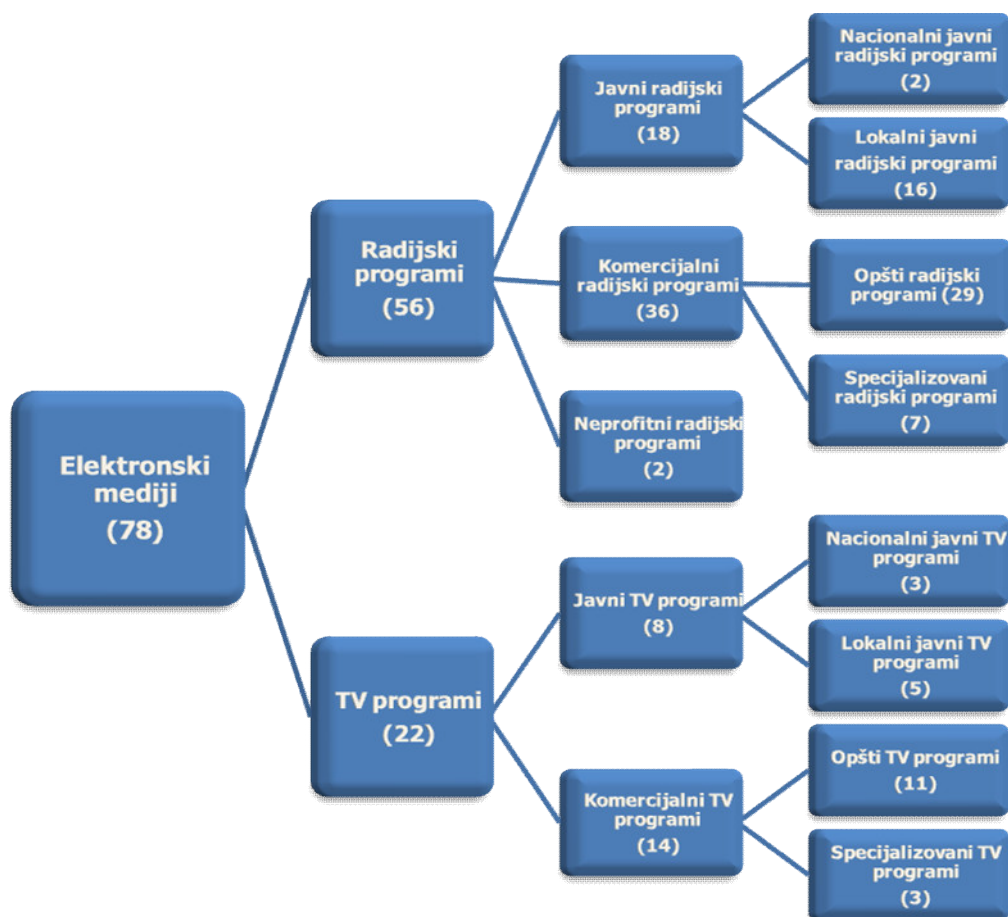


Figure 3.: Electronic media outlets in Montenegro (breakdown by groups, number)

Television programmes are mostly broadcasted via platforms with conditional access. The terrestrial free access platform (free television) is used for national coverage by the national public broadcaster (RTCG) with two television channels (TVCG1 and TVCG2), as well as TV Vijesti, TV Prva and TV Nova M. Via local multiplexes, free access is provided for TV Teuta and TV Boin (Municipality of Ulcinj), TV Boin (municipalities Podgorica and Tuzi). The right to broadcast via local multiplexes with free access is also enjoyed by local public broadcasters (TV Budva, TV Nikšić and TV Pljevlja), for the territories of respective municipalities that appear as their founders.

Radio broadcasters are mostly interested in areas of larger municipalities in the central and southern regions. Out of the total, 25 are the programmes with local coverage (out of which as many as 13 programmes cover the territory of a single municipality), six regional and five broadcasters with national coverage. Radio broadcasters show different interest in covering the territories of different municipalities; thus, for instance, Podgorica is covered by the signals of 21 commercial radio stations, while as many as nine municipalities (in the northern region) are covered by less than five commercial operators. In 2020 the number of radio stations covering the territories of the municipalities of Podgorica, Danilovgrad and Plužine increased, while the number of stations covering Pljevlja and Žabljak decreased.

An average, radio programme is composed of 75% music and 25% various non-music contents. The non-music content is mostly produced by broadcasters themselves. The shares of rebroadcasts and purchased programmes are very low.

Radio programmes meet primarily the listeners' needs for music content. Given the shares of music content, most radio programmes are designed as passive and unengaging, not requiring listener's focused attention that can be followed as the background for daily activities. This suits younger listeners more. There are few radio programmes with longer spoken content, focusing on the topics beyond entertainment and dealing with serious political issues (economy, domestic and

foreign policy, environment, human rights, etc.). With the exception of a few radio programmes, the type (genre) of the music broadcasted is used as the main factor of distinctiveness against their competitors.

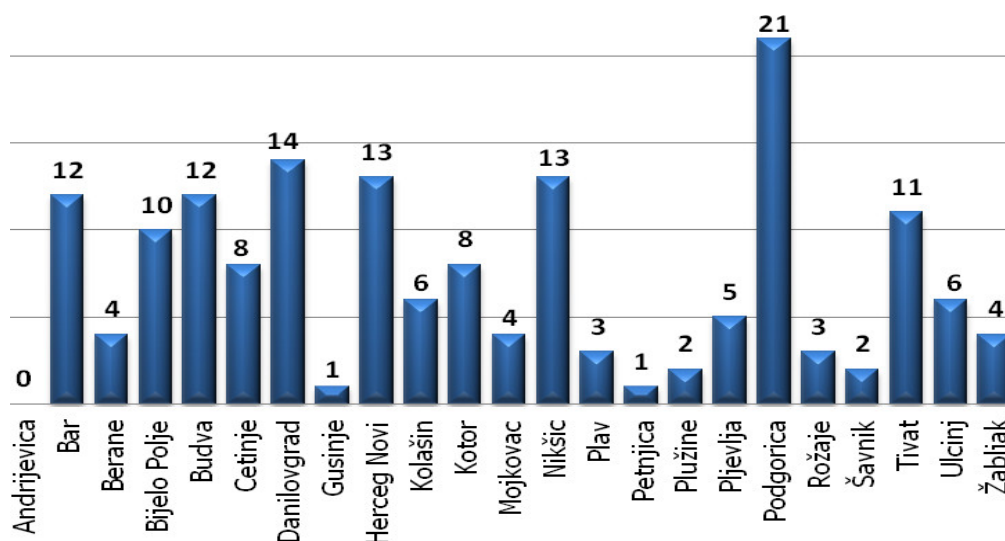


Figure 4.: No of radio stations accessible within the territory of a specific municipality

By the type of content, current affairs are predominant with approx. 32% of the total aired non-music programme. This is followed by entertainment with around 25% of the total non-music content. As regards the shares of current affairs, they are primarily a result of the legal provision³⁶. Current affairs programmes mostly consist of short shows (up to 10 minutes) with national and world news, which are separated from the rest of the programme in terms of its content and form, and bear distinctive characteristics of traditional news programmes. The shares accounted for by this type of programme are mostly increased by the shows of the collage type, with a mix of current affairs (predominantly service and other information) and music. A considerable number of broadcasters have rebroadcasts of current affairs programmes. It should be borne in mind that rebroadcasting current affairs programmes, often from the same source, is not conducive to media pluralism or diversity of programmes.

Culture and arts, and documentary and educational programmes put together account for approx. 6% of the total airtime (or 22% of non-music content). In case of radio programmes, the lowest shares are accounted for by sport and children's programmes, or 2% on aggregate, or 8% of total non-music content.

Generally speaking, commercial radio programmes are characterised by uniformity, focusing on meeting the needs of their listeners for entertainment and information, as predominant radio content. Just a few commercial radio broadcasters address specific audiences and deviate from the predominant format of radio programmes. Notwithstanding such exception, entertainment programmes are predominant followed by brief and succinct news programmes, mostly relying on agency news and portals of larger media outlets. Current affairs programmes are very similar and are not taken as a factor of distinctiveness against competitors. The share of local information is somewhat more substantial in radio programmes (13 programmes cover the territory of a single municipality), which can be seen as an advantage compared to other types of media.

³⁶ Article 59 of the Law on Electronic Media stipulates that a broadcaster is obliged on daily basis to broadcast at least 12 hours of programmes, provided that at least 10% of total weekly air time is dedicated to news and current affairs from the coverage zone. In addition, a broadcaster is obliged to broadcast at least 30 minutes of current affairs a day within which it should have at least one block lasting at least 20 minutes.

Provided that listeners have such expectations in the first place, generally speaking radio programmes cannot meet the needs of their listeners for other types of content. In the case of most radio broadcasters, culture, art, documentary, education, sport and children's programmes are present with one show a week, just to formally meet the diversity requirements relevant for general radio programmes. Thematic content regarding sport, culture or education addressing listeners in a manner which is inherent to radio programmes, but still innovative and interesting, is quite rare.

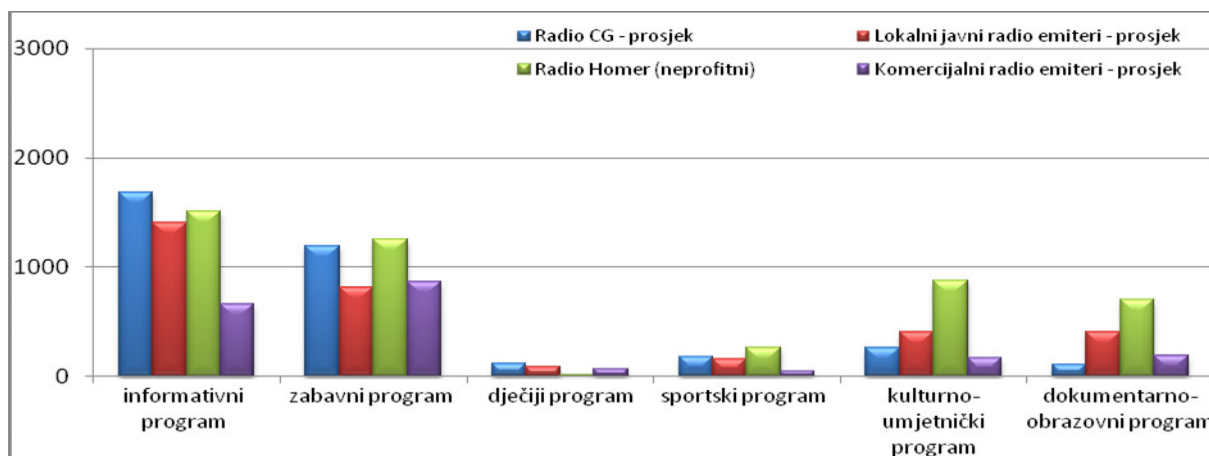


Figure 5.: Shares of non-music programmes in radio broadcasts (on average, in minutes)³⁷

Montenegrin televisions, on average, produce 25% of own programme, 12% of air time is rebroadcasted, and the most prevalent are purchased programmes with 44%.

The predominance of purchased programmes mostly refers to films and serials, but also some content of licenced formats. The programmes of smaller, regional televisions are characterised by the presence of contents produced by various independent productions, usually from the region, and provided free of charge or posted on the YouTube platform. Such programmes often involve surreptitious advertising. Among quite a few television broadcasters, even some public ones, the share of music slots is quite substantial throughout the day. According to the type of programmes, entertainment is predominant with approx. 33%, followed by culture and arts with close to 21%.

On average, news and current affairs account for 20%. Documentary and entertainment, sport and children's programmes put together account for some 16% and are the least present types of television programmes. The same as with radio programmes, children's programmes are least represented, approx. 2.5%. Television programmes hardly ever use sign language or other techniques adapted to persons with disabilities.

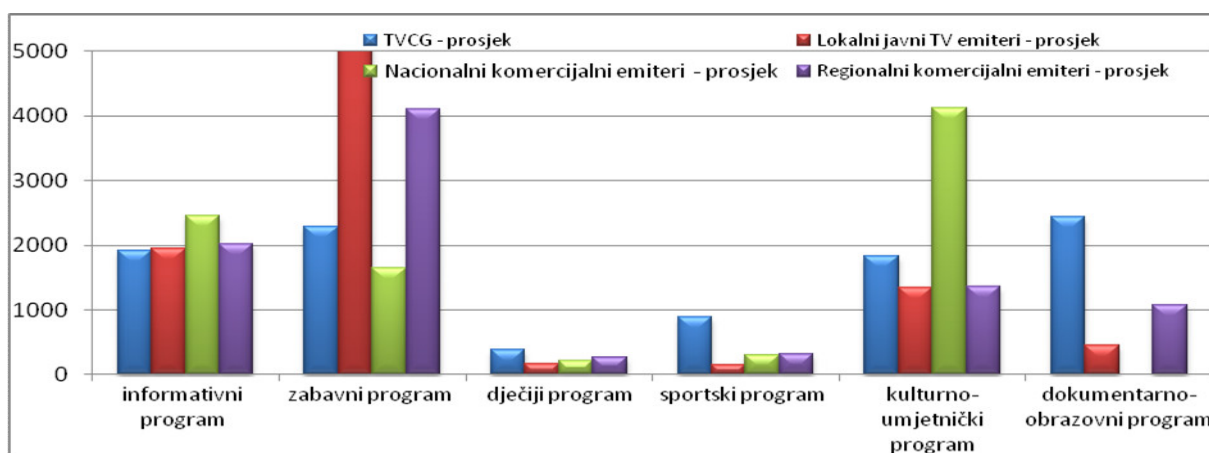


Figure 6.: Shares of certain categories of programmes on Montenegrin televisions (on average, in minutes)

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³⁷ The data concerning local public radio broadcasters are extrapolated based on the information from issued broadcasting licences.

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Programme breakdown for radio broadcasters

Radio Crne Gore³⁸

On average, channel one of Radio Crne Gore broadcasts weekly approx. 47% of music and 53% of various types of programmes (by category, genre, or production source). Regardless of the production source, total broadcasted non-music content is predominantly accounted for by current affairs with 30%. This is followed, broken down by type, by entertainment content with 13%, then culture and art with 5%. Documentary, educational and children's programmes account for 2%, and sport programmes for less than 1%.

Channel two of Radio Crne Gore - Radio 98, on average, broadcasts weekly 82% music and 18% various types of programmes (by category, genre, or production source). Entertainment programmes are predominant in the structure of non-music programmes (by type) with 11%. It is followed by current affairs and sport programmes, accounting for 3% each. Culture and arts, and documentary and educational programmes account for less than 1%, while there were no children's programmes over the observed period.

Comparing the two by type of non-music programmes, current affairs are the predominant feature of RCG1, while Radio 98 has predominantly entertainment programmes.

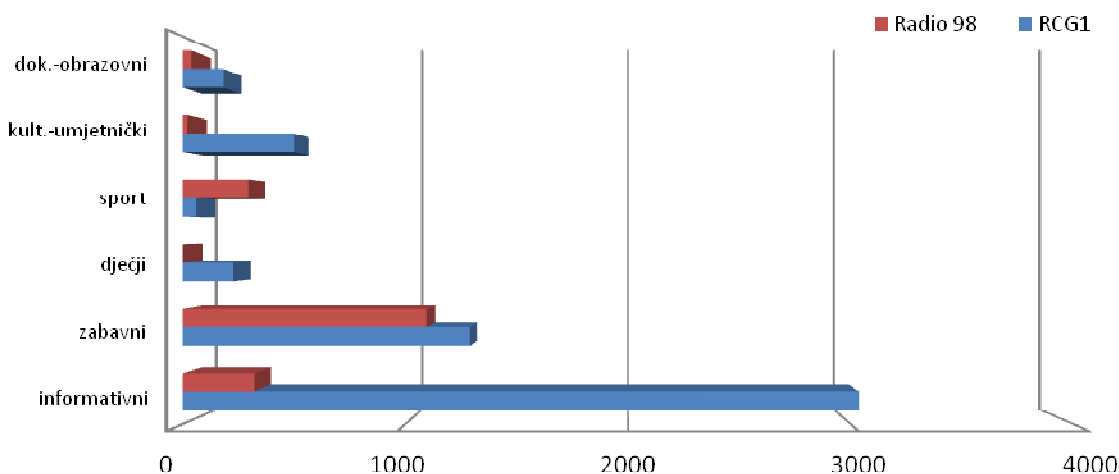


Figure 7.: Breakdown by type of programmes (RCG1 vs Radio 98)

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Local public broadcasters

Under Article 55(5) of the Law on Electronic Media, a broadcaster is obliged to store transmitted programmes in line with the regulations governing media and the regulations governing preservation of cultural assets. Under both the previous and the current Media Law (Art 56), a media outlet is obliged to keep all texts or broadcast recordings for at least 30 days upon their publication and make them available to persons who may claim their right to correction or reply by provisions of the Law.

Given the above and the fact that local public broadcasters cover the territories outside the service zone of Podgorica, in order to have unobstructed supervision over their compliance, broadcasters need to store recordings of broadcasted programmes, which is often not the case.

³⁸ „Review of Programme Structure of RTCG “ – November 2020

Given the above, in case of local public broadcasters their compliance against the issued broadcasted licences was checked. In this regard, on weekly average, radio programmes of local public broadcasters consist of 67% music and 33% of diverse types of programmes (by category, genre or production source). As for the breakdown of non-music programmes, regarding a full day of broadcasting, news and current affairs, together with entertainment are predominant, while the lowest share is accounted for by programmes intended for children.

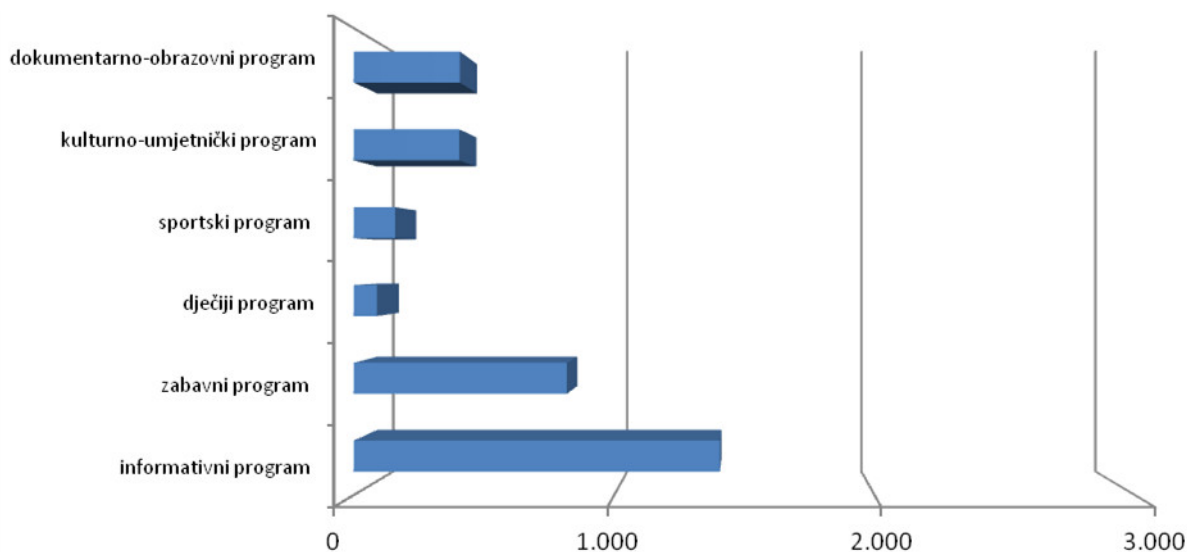


Figure 8.: Breakdown by type of programmes for local public radio broadcasters (on average, in minutes)

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Commercial radio broadcasters³⁹

The Law on Electronic Media (Article 104) stipulates that broadcasting licence is to include the information on programme structure⁴⁰. Thus, AEM amends, as needed, the broadcasting licences issued for commercial radio broadcasters by adding Annex 2, with the information on programme structure and other programming obligations in line with the applications lodged as per the public call or with the licence application.

In the process of amending licences, quantitative programme-related data are determined through monitoring, enabling their comparison with the data from the original applications. In case of broadcasters where no major deviations are observed, i.e. which comply with the programme structure and other programme-related obligations in line with the application lodged upon the public call, the licence is amended adding Annex 2 with the information from the original application.

In case of a certain number of commercial radio programmes, major deviations were observed, i.e. noncompliance with the programme structure and other programme-related obligations in line with the application lodged under the public competition. A procedure was initiated against such broadcasters ordering them either to align their programme structure with the pertinent application or lodge an application for AEM Council's consent for significant change of programme structure⁴¹.

³⁹ Review of Programme Structure of Commercial Radio Broadcasters - december 2020

⁴⁰ Section 2 Programme Structure and Other Programming Obligations from broadcasting licences stipulates that broadcasters are obliged to adhere to the programme scheme or structure as provided with the licence application, and to notify AEM in writing of any changes, and in case of any significant change to the programme structure, to request approval by the AEM Council.

⁴¹ Article 58 of the Law on Electronic Media stipulates that a broadcaster is obliged to ask for AEM's approval, in writing, of all significant intended changes in the structure of a radio or television broadcast. A significant change in the programme structure, in the sense of paragraph 1 herein, shall be any change over 10% in the programme structure based on which broadcasting licence was granted.

From 2017 to 2020, the AEM Council issued 21 consent for substantial changes to programme structures, three in 2020. The total of 33 broadcasting licences for commercial radio broadcasters were modified by adding Annex 2, out of which in 2020 four licences were amended and one new broadcasting licence issued⁴². In case of three commercial broadcasters the process is still pending.

An average commercial radio programme, according to the programme structure envisaged by their broadcasting licences, includes weekly 80% of music and 20% of diverse types of programmes (by category, genre or production source).

Among various non-music programmes, own production accounts for 93%. Rebroadcasts account for 5%, and purchased programmes for 2%.

As for the breakdown of non-music programmes, regarding a full day of air time, entertainment and news and current affairs are predominant, while the lowest share is accounted for by sports and programmes intended for children.

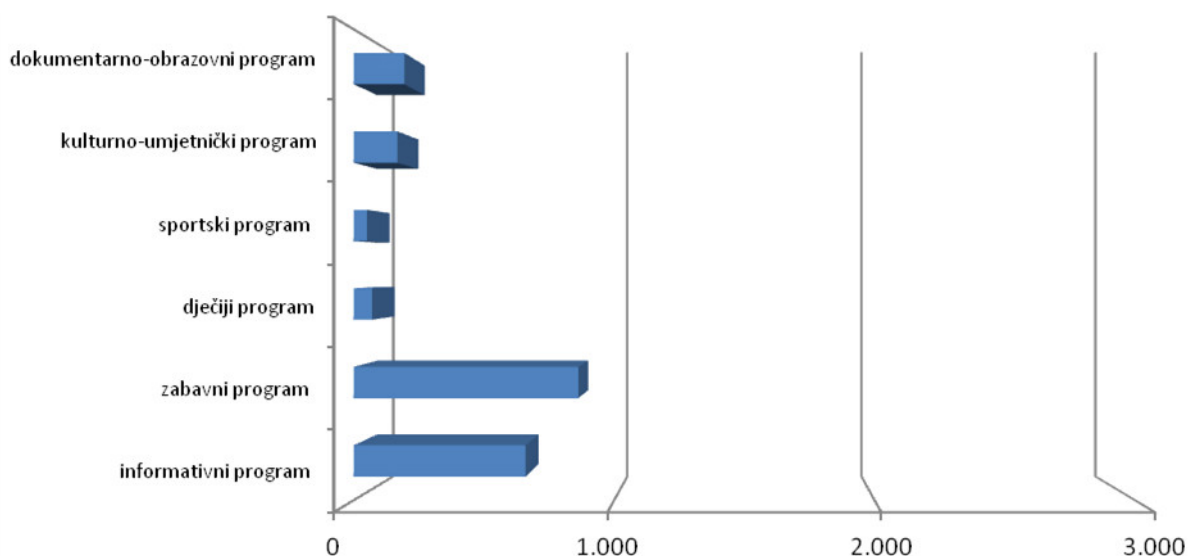


Figure 9.: Breakdown by type of programmes for commercial radio broadcasters (on average)

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Non-for-profit broadcasters⁴³

In line with the licences issued, the non-for-profit broadcasters are the NGO “Kulturni centar Homer” for broadcasting “Radio Homer” and the Muftiate of Islamic Community in Montenegro for broadcasting “Radio Fatih”.

Total weekly broadcasts consist of 67% music and 33% of various types of programmes (the average for the two non-for-profit broadcasters).

Radio Homer broadcasts 4,611 minutes a week, or 659 minutes a day (approx. 11 hours) of various programmes, while the rest is accounted for by music. Own production accounts for 30.42% of total broadcasts (3,067 minutes a week), purchased programmes account for 5.41% (545 minutes a week), while the share of re-broadcasts 4.76% share (480 minutes weekly).

Monitoring revealed that “Radio Fatih” broadcasts random programmes, without formatting its identity, no vertical (within the course of a day) or horizontal (across days) scheduling, without a

⁴² TV Herceg Novi, Radio Antena M, Radio DRS (modifications), EL radio (new licence).

⁴³ Review of Compliance with Licence Terms – Non-for-Profit Broadcasters - November 2020.

proper daily rhythm and separation of programme units. For these reasons, broadcasts may be assessed only individually (since they do not constitute a part of any formatted or approved programmes basis and scheme). Given the above, clear structuring of their programmes was not possible either by production source or type of programmes. After receiving a warning⁴⁴, the broadcaster started aligning their actual programmes with the broadcasting licence and the AEM secondary legislation.

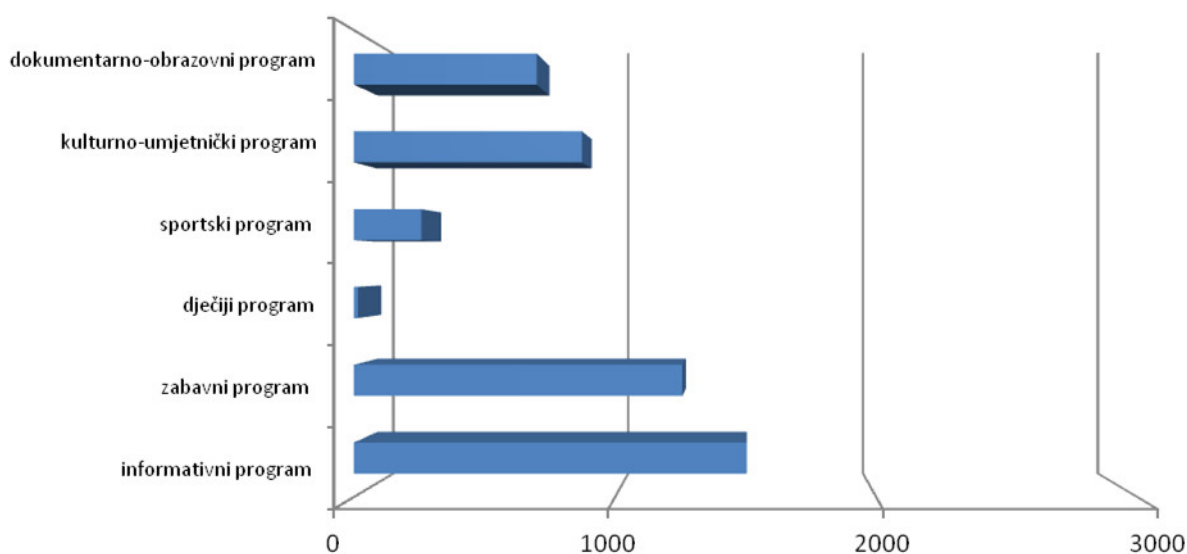


Figure 10.: Breakdown by type of programmes for "Radio Homer"

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Programme structure of television broadcasters

Televizija Crne Gore⁴⁵

Given the production source, own production is predominant (73%) in the overall broadcasts of TVCG1. Purchased programmes account for 21% of total broadcasts, while the share of rebroadcasts is 2%.

The greatest share of total broadcasts, irrespective of production source, is accounted for by news and current affairs programmes with 34%. During the weekdays, a news programme in Albanian is broadcasted, as well as one in sign language.

Documentary and educational programmes account for 22%, while culture and arts represent 19% of airtime. This is followed by the entertainment programmes with 17% of the total.

Sport and children's programmes have the lowest shares in the overall programme structure with approx. 4%, and 1.5% of weekly broadcasts, respectively.

As for TVCG2, given the production source, own production is predominant (37%). Purchased programmes account for 23%, and rebroadcasts for 4%.

In overall broadcasts of RTCG2, irrespective of the production source, entertainment programmes are predominant with 29%. This is followed by documentary and educational programmes with 27%, with the bulk or 86.93% referring to the remote learning programme "Uči doma". This is followed by culture and arts with 18%, and sports with 36% of the total. Current affairs account for 5%, and children's programme for 4%.

⁴⁴ AEM enactment no. 02-1186/2 of 16 December 2020

⁴⁵ Review of Programme Structure of the RTCG" - November 2020

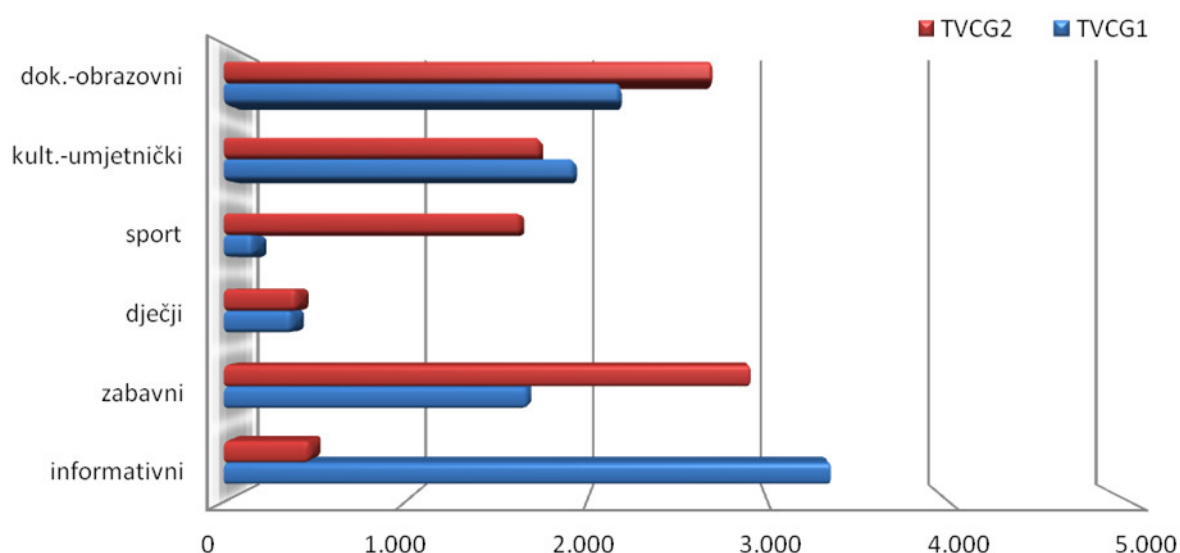


Figure 11.: Breakdown by type of programmes (TVCG1 vs TVCG2)

Local public television broadcasters⁴⁶

Given the production source, purchased programmes (on average) are predominant in total broadcasts of local public television broadcasters, while rebroadcasts have the lowest share.

The greatest share of total broadcasts, irrespective of production source, is accounted for by entertainment programmes with approx. 54%. News and current affairs account for 19%. Children's and sports programmes have the lowest shares.

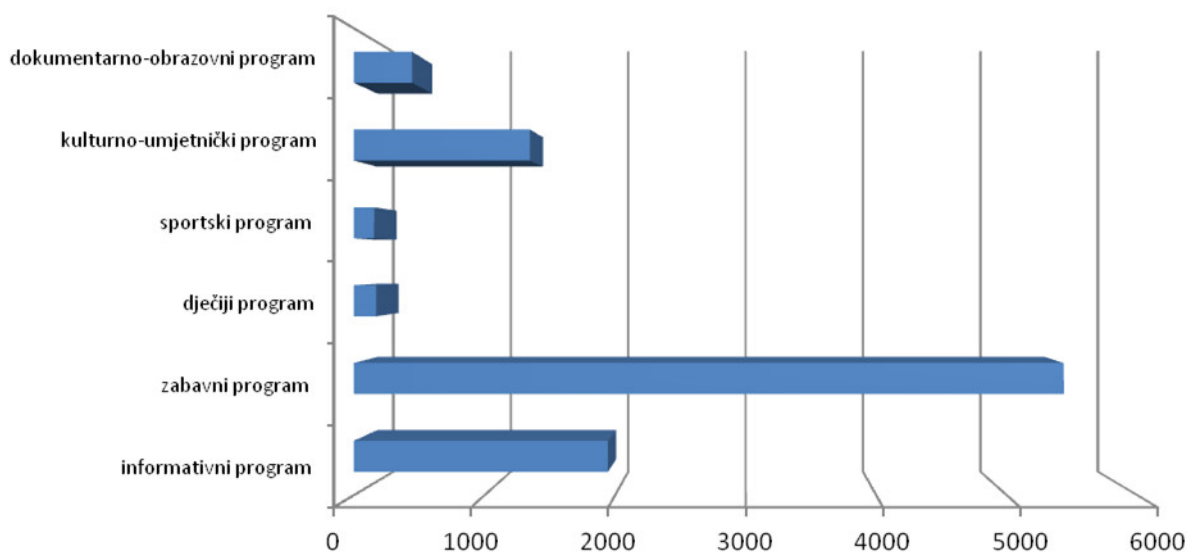


Figure 12.: Breakdown by type of programmes for local public broadcasters (on average)

⁴⁶ Review of Programme Structure of Local Public TV Broadcasters - December 2020

Commercial television broadcasters with national coverage⁴⁷

Given the production source, purchased programmes (on average) are predominant in total broadcasts of national commercial television broadcasters (58%). Own production accounts for 21% of total broadcasts, while the share of rebroadcasts is 6%.

The bulk of total broadcasts, irrespective of production source, is accounted for by culture and arts programmes (41%), followed by current affairs with 24%, and entertainment with 16%. Children's, documentary, educational, and sports programmes account for significantly lower shares.

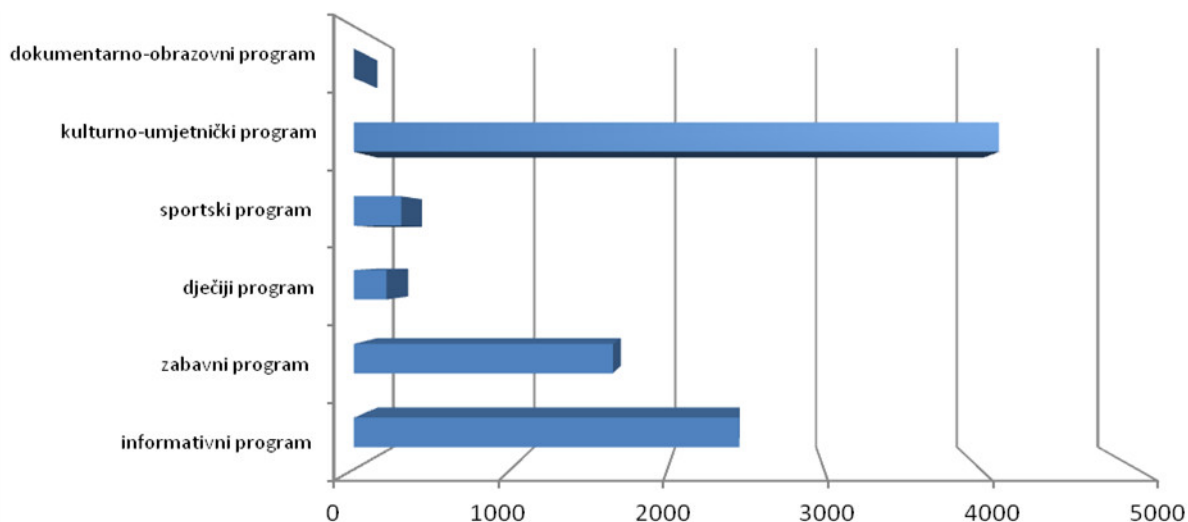


Figure 13.: Breakdown by type of programmes for national commercial television broadcasters (on average)

Commercial television broadcasters with regional coverage⁴⁸

Given the production source, purchased programmes (on average) are predominant in total broadcasts of regional commercial television broadcasters (56%). Own production accounts for 17% of total broadcasts, while the share of rebroadcasts is 7%.

The greatest share, irrespective of production source, is accounted for by entertainment content (41%), followed by current affairs with 20%, and culture and arts with 13% and documentary and educational with 11%. Children's, and sports programmes account for significantly lower shares.

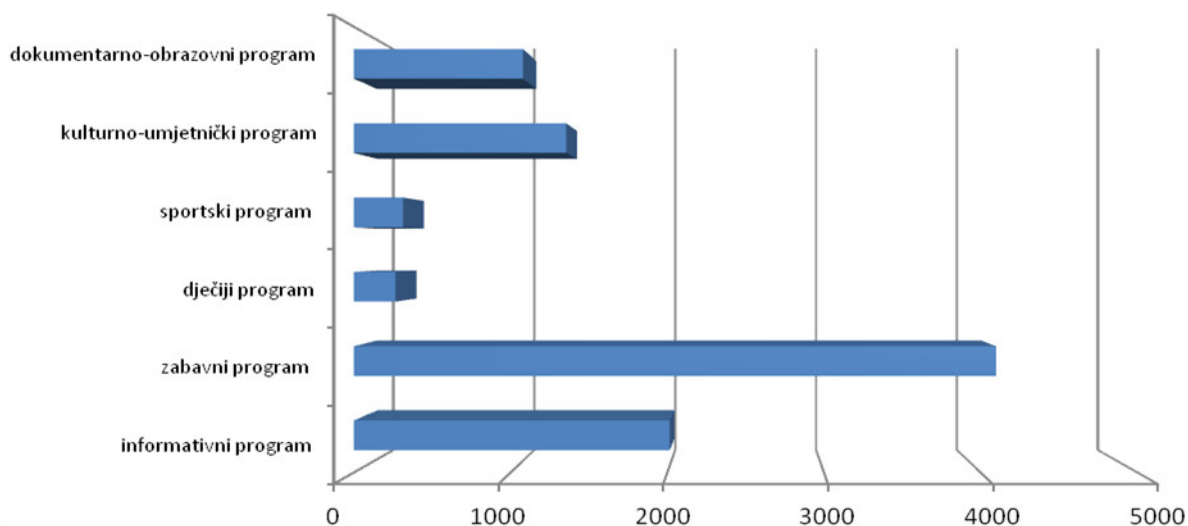


Figure 14.: Breakdown by type of programmes for regional commercial television broadcasters

⁴⁷ Review of Programme Structure of TV Broadcasters with National Coverage - June 2020

⁴⁸ Review of Programme Structure of Commercial TV Broadcasters with Regional Coverage - November 2020

11. Media coverage during election campaigns

Parliamentary and local elections held on 30 August 2020

On 3rd February 2020, the President of Montenegro called the elections for local councillors in the Municipality of Tivat for April 2020. Given the epidemiological developments in Montenegro and the Order to Undertake Temporary Measures to Prevent the Introduction into the Country, Contain and Prevent the Spread of the Novel Coronavirus, the local elections in Tivat were postponed by the President's Decision⁴⁹, for August 30, 2020.

On 20 June 2020, the President of Montenegro called the parliamentary elections⁵⁰ and the local elections for the municipalities of Andrijevisa, Budva, Gusinje and Kotor⁵¹ that were actually held on 30 August 2020.



In terms with the Law on Electronic Media, the AEM Council adopted the **Rulebook on Rights and Responsibilities of Broadcasters during the Election Campaign for the Parliamentary Elections to be held on 30 August 2020**⁵² and the **Rulebook on Rights and Responsibilities of Broadcasters during the Election Campaign for the Local Elections in Andrijevisa, Budva, Gusinje, Kotor and Tivat, to be held on 30 August 2020**⁵³.

The rulebooks elaborate in more details the terms for pursuing the rights and responsibilities of broadcasters regarding election campaigns and political advertising with the aim of ensuring accurate, timely and impartial information provided to the public in all stages of the process and the different views expressed during the campaign on an equal footing for all contestants.

Aiming to foster transparency of electronic media operations during the election campaign and securing a level playing field for all contestants, AEM developed and posted on its webpages a template for media coverage rules for commercial broadcasters and the **Instruction concerning broadcasters' obligations during the election campaign**.

The total of 33 electronic media outlets accounting for 28 radio and 16

⁴⁹ Official Gazette of Montenegro no.. 7/20, 23/20, 61/20.

⁵⁰ Official Gazette of Montenegro no.. 61/20.

⁵¹ Official Gazette of Montenegro no.. 61/20.

⁵² Official Gazette of Montenegro no.. 64/20.

⁵³ Official Gazette of Montenegro no.. 64/20.

television programmes adopted special rules for media coverage. Out of the 33, four broadcasters failed to implement the programmes intended for such media coverage.

Apart from the rulebooks concerning the rights and responsibilities of broadcasters during parliamentary and local election campaigns and the accompanying templates, AEM also posted on its webpages specific media coverage rules adopted by public, commercial and non-for-profit broadcasters providing media coverage for the campaign ahead of the elections on 30 August 2020. The list of broadcasters' contact points for receiving complaints, the ones provided to us, was also posted on AEM webpages.

Based on monitoring, the **Report on Media Representation during the Campaign for the Parliamentary and Local Elections held on 30 August 2020** was prepared and made public (in September 2020).

The total duration of media coverage on 17 TV channels between 10 and 28 August 2020 (19 days) amounted to 20,861 minutes or close to 348 hours.

Out of the total media coverage, 76% referred to parliamentary elections, and 24% to local elections in all five municipalities having elections. As for media coverage of local elections, Budva elections only generated more substantial interest with the share of 14%.

The bulk of media coverage focused on presenting candidate lists with a considerable number of shows dedicated to presenting contestants.

The greatest share of media coverage, irrespective of the type, was broadcasted at TV Vijesti (18%), TV A1 (14%), TVCG1 (12%) and TV Budva (12%), followed by TV Novi and TV Teuta with 7% each, and TVCG2 with 6%. All other TV stations put together accounted for less than 5%.

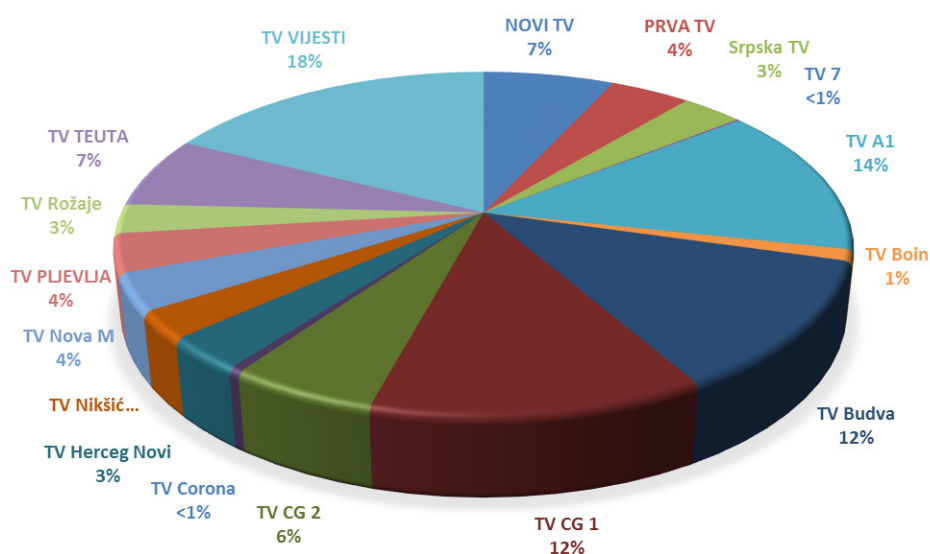


Figure 15.: Breakdown of media coverage by broadcaster

Paid media coverage (advertising and special shows for the presentation of contestants and candidate lists) focused on parliamentary elections (93%) and local elections in Budva (7%) and Kotor (<1%).

Nine out of 11 approved candidate lists for parliamentary elections and three candidate lists each for local elections in Budva and Kotor resorted to paid advertising. The greatest share of such paid advertising was accounted for by the list entitled "For the Future of Montenegro" (parliamentary elections).

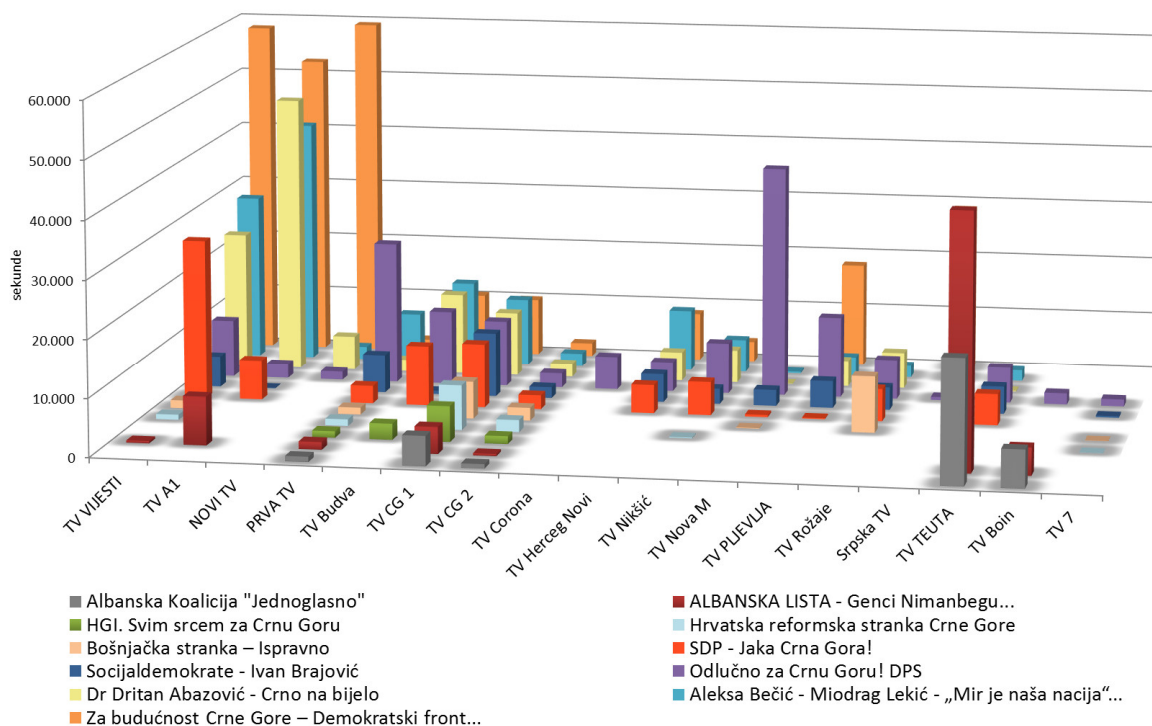


Figure 16.: Breakdown of media coverage by candidate list and by broadcaster – parliamentary elections

In general, media coverage was properly spaced and broadcasted within designated blocks. Compared to previous elections, the practice of designating properly the paid and free-of-charge political advertising has improved. Broadcasters, in principle, complied with the requirement to provide records of media coverage actually aired.

For the duration of the given election campaign, AEM instigated 58 proceedings ex officio, 35 of them were closed due to the issue being rectified meanwhile, and in 23 cases warnings were issued. AEM received 16 complaints against broadcasters, with a political party being the complainant in one case. The total of 12 complaints were rejected, and in 4 cases warnings were issued. AEM received no complaint invoking Art 96(c) of the Law on Electronic Media.

Overall, media coverage was done in compliance with the legal framework composed of the Law on Election of MPs and Local Councillors, the Law on Electronic Media, and the Law on Financing of Political Entities and Election Campaigns. The importance of a systemic approach in drafting legislative provisions governing the rights and responsibilities, election administration authorities and all other entities directly or indirectly involved in the election process and pertinent media coverage was stressed.

The need to revise the legal framework governing elections to avoid overlaps or gaps and ensure efficient oversight, prevention and sanctions was reiterated.

Issues relevant for improving election legislation

- mutual consistency of terms and deadlines in the three laws
- make a consistent definition of the beginning of election campaign
- redefine political advertising (during the election campaign and beyond; advertising scope and entities)
- effective monitoring and sanctions for illicit media coverage (in the absence of rules)
- surreptitious political advertising (definition, responsibilities, effective oversight and sanction)
- free-of-charge political coverage by commercial broadcaster and paid political coverage by public broadcasters
- rights and responsibilities of public broadcasters during the local elections in the municipality they operate in and in other municipalities

12. Professional standards

Since January 2020, the world has entered a state of unexpected and unprecedented health crisis, which posed new challenges for everybody, the media community included.

Given that the spread of the novel coronavirus is an issue of public interest, special attention was focused on media's statutory requirements to ensure true information based on credible facts.

Current affairs programmes are an important segment in airtime of any broadcaster. The current affairs content informs the public of relevant topics of public interest, statutory provisions and current developments relevant for public health. Hence, in the emerging context it was paramount to provide comprehensive and timely information by publishing relevant qualitative and quantitative information when covering a certain topic.

Current affairs programmes need to strive to provide accurate and true information and offer an overview of current events to inform the public with all available relevant facts to be able to make an informed opinion. To understand an event fully, the information disseminated in such programmes need to be portrayed in a manner conducive to comprehending the nature of the event.

Given the above, the main activity in the context of the pandemic was to determine the availability of information of particular interest for the public, and the way the information is portrayed to ensure comprehensive and timely information on COVID-19.

- *Chinese Government confirmed the first case of an unknown illness in Wuhan on 31 December 2019*
- *Following reported cases in several countries, the World Health Organisation (WHO) declared a global health emergency on 30 January 2020*
- *On 11 February 2020, WHO proposed the official name for the disease Caused by the novel coronavirus: COVID-19*
- *The COVID-19 pandemic was declared on 11 March 2020*
- *Montenegro, until then the only European country without registered cases, reported the first two cases on 17 March 2020*
- *Following several interim measures imposed by the Government to contain the COVID-19, in Montenegro the outbreak was declared on 26 March 2020*

AEM approached the electronic media and recommended to adhere strictly to professional standards when covering COVID-19 issues and refrain from sensationalism which could lead to the spread of disinformation. Media were advised to carefully choose the interlocutors who are competent to give verified and accurate information and thus prevent fake news that could cause panic.

Without prejudice to the right to report on any topic, broadcasters were warned that any breach of privacy must be justified by verifiable public interest and that it is not allowed to disclose the identity of persons potentially threatened by the virus.

Broadcasters were referred to the AEM pages where the **Instructions and recommendations for journalistic reporting on COVID-19**⁵⁴ were posted to provide credible, meaningful and high-quality programme and thus contribute to overcoming the crisis.

Current affairs TV programmes on COVID-19

All broadcasters covered by the reviews⁵⁵ focused their current affairs programmes on reporting about the developments concerning the novel coronavirus. A substantial number of facts, interviews, features and live reports dealt with the topic. The talk shows involved guests of various profiles (health workers, public officials, public figures) and focused on topical health-related issues and epidemiological situation.

Overall, the content analysed conveyed the opinion of primarily health workers, experts and persons of authority from credible journalistic sources.

Almost all analysed content aired talks (live reports via Viber, Skype or similar communication platforms) with persons of various profiles (health workers, athletes, students etc.) from outside Montenegro located in the countries which were most severely hit by the pandemic. That could have potentially given rise to the spread of unverified information, but overall such programme segments did not resort to sensationalism or spreading of panic.

There were no recorded cases of dissemination of information that would infringe on privacy rights of persons who contracted the novel coronavirus and other persons affected by the events.

Broadcasters properly directed viewers to official information channels for state authorities, inter alia, by airing video spots developed by the Public Health Institute, the Clinical Centre of Montenegro, the number of the Call Centre, and the “Stay at Home” appeal, with the hashtags #coronainfocg, #ostanidoma, #ostacudoma, #stayathome.

The circumstances surrounding the COVID-19 pandemic posed a new challenge for broadcasters of having to provide relevant information of public interest and show a degree of responsibility in protecting their journalists from contracting the virus. In the first months of 2020, journalists were facing, for the sake of their own protection and for the sake of protecting others, limited movements and access to events, public officials and interlocutors, or in a word – to information.



⁵⁴ <https://aemcg.org/obavjestenja/uputstva-i-preporuke-za-novinarsko-izvjestavanje-o-covid-19/>

⁵⁵ Review of Current Affairs TV Programmes of Broadcasters with National Coverage on COVID-19 - April 2020, Review of Current Affairs TV Programmes of Broadcasters with Regional Coverage on COVID-19 - April 2020, Review of Current Affairs TV Programmes of Broadcasters with National Coverage on COVID-19 - May 2020.

Comparing the thematic structure of prime time news of TV programmes with national coverage in March 2019 with the ones in March 2020 reveals the extent to which the COVID-19 pandemic affected the work of the media. Close to 85% of prime time news airtime concerned the information and topics connected with COVID-19.

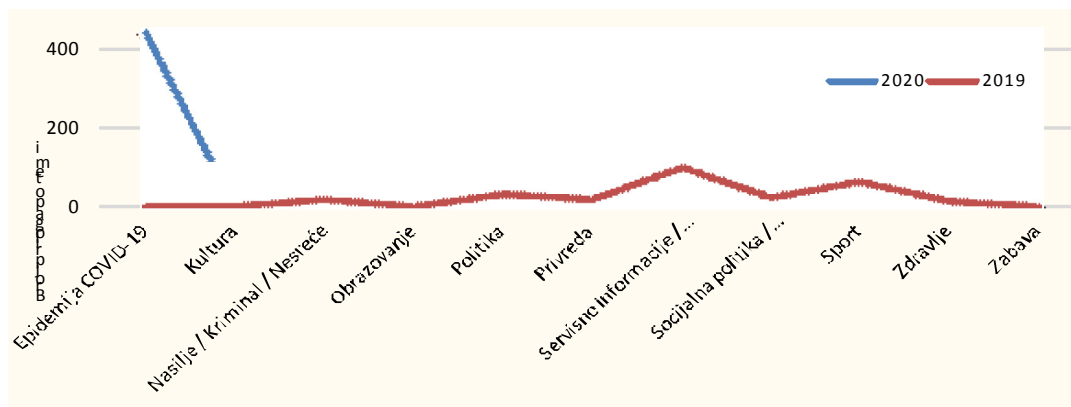


Figure 17. : Prime time news topics (2019 vs 2020)

The difference in the thematic structure of the prime time news programmes need to be assessed against the fact that TV companies were facing staffing constraints and that they focused their capacities on the production of information related to the COVID-19 pandemic. The number of information published shows that the journalists normally covering other, considerably different themes were involved in their production.

Despite the challenges that 2020 posed before humanity, consistent reporting about the coronavirus shows that journalism plays a vital role in our society. Despite the limitations and stresses brought about by the pandemic, journalists still serve as a reliable source of information. Journalistic coverage about the pandemic reinforced the need for credible media and why we have to recognise and acknowledge the value of quality journalism.

The main objection to broadcasters' operation during the pandemic concerns the accessibility of information for persons with hearing impediment, and in Albanian and Romani languages. Over the period observed, only one programme aired by the national public broadcaster made use of sign language. Over certain period the content in Albanian and Romani languages was completely unavailable. Such content is at a disconcertingly low level both in terms of the actual airtime and in terms of diversity, and fails to meet even the minimum information needs, let alone the need for entertainment, documentary, educational or children's programmes.

Given the necessity for the whole population to be timely informed of the events of public health relevance, AEM urged the television broadcasters to pay particular attention to the availability of such content. It was recommended to secure the use of sign language and minority languages at least for prime time news programmes with relevant public health information. It was also recommended to use full-screen telop for major announcements by relevant authorities in reference to containment of COVID-19 and to use rolling lower third during news programmes to transmit information of major importance for public health.

The COVID-19 pandemic further exacerbated the shortcomings and stressed the need of undertaking significant actions to raise awareness of the importance of having more accessible media services of both the public and the commercial broadcasters, both by referring to the actual availability of such content and by delivering training for broadcasters to learn about the techniques and methods for content adaptation.

Protection of minors

Television as an audiovisual media broadcasts many diverse contents to meet the needs and tastes of highly varied audiences, including the needs and tastes of children or minors, as the youngest consumers of television programmes.

In 2020, due to sudden and unanticipated circumstances surrounding the COVID-19 pandemic, the electronic media globally, Montenegro included, faced with the challenge of adapting their programmes to the ubiquitous topic with additional attention and responsibility. Although facing organisational and financial difficulties, the media bear the responsibility to provide meaningful and good quality programme and thus contribute to overcoming current health-related circumstances.

Due to the COVID-19 pandemic, television got some new roles to perform, on top of the traditional ones. Within the remote learning platform “Uči doma”, lectures are broadcasted for primary and secondary school students. For the youngest viewers, television became a substitute classroom.

Four TV broadcasters participated and are still participating in the “Uči doma” project (www.ucidoma.me), implemented by the Ministry of Education, Science, Culture and Sport. The project started with the beginning of COVID-19 pandemic and provides a remote learning platform. It enables primary and secondary school students to attend instruction via television at the time when, due to COVID-19, they are unable to do so from actual classrooms.

“Uči doma” includes broadcasting of pre-recorded video materials focusing on topics covered by primary and secondary school subjects in line with school curricula via the following televisions programmes⁵⁶:

- TVCG 2 - „Radio televizija Crne Gore“
- MNE Sport 1 /Uči doma 2 and MNE Sport 2 /Uči doma 3 - “Manix d.o.o.”,
- TV Boin - „Boin“ d.o.o., instruction in Albanian, and
- TV Teuta - „Mir i Teuta“ d.o.o., instruction in Albanian.

- *Some six hours of instruction for primary and/or secondary school students is broadcasted daily at TVCG2, TV Boin, TV Teuta, Uči doma 1&2*
- *On weekly basis, such programmes make up 62% of own production in the case of TVCG2, 41% of TV Boin, 26% of TV Teuta*

Given the current circumstances, the issue of positive and negative impacts of watching television on socialisation and shaping of identity of children and adults is more topical than ever before. Never disregarding the positive nor the negative impacts, it is clear that television plays an important role in the lives of children, and may lead to some unwanted consequences, primarily through excessive violence that children as viewers are exposed to, but have at the same time positive impacts on the development of minors through educational, cultural and other stimuli.

In the course of one week, 18 broadcasters in Montenegro on average broadcasted 2% of children’s programmes as a share of total broadcasts. Compared to 2019, this constitutes a decrease by almost 40%.

⁵⁶ School portal (<http://www.skolskiportal.edu.me/Pages/Default.aspx>).

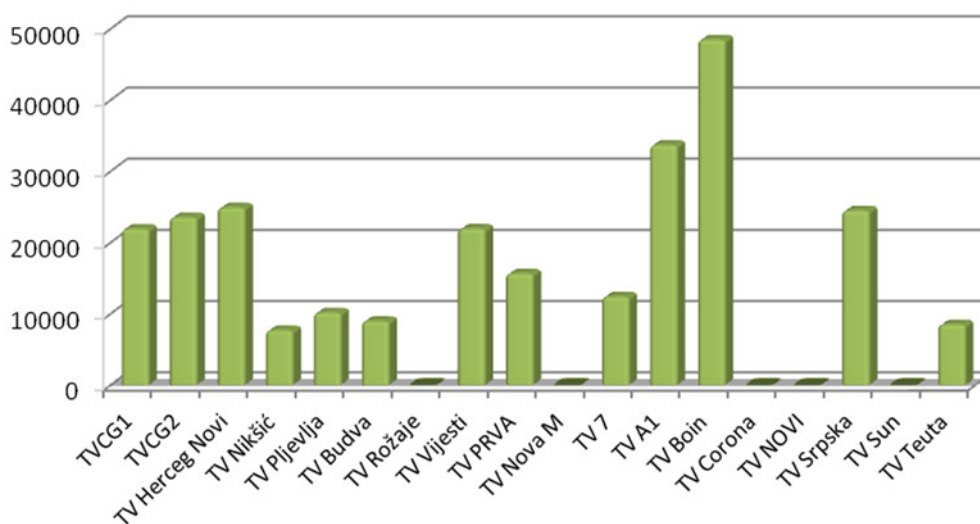


Figure 18.: Content for children in television programmes (seconds, per week)

As per the production source of the contents intended for children, purchased content is more prevalent than own production. Out of 18 television programmes, only six have children’s content of own production.

Among the children’s contents, the bulk or 65% is accounted for by cartoons. Compared to the previous year, there is an increase in children’s content with primarily educational role.

Majority of children’s programmes were suited for ages 2 to 6, or 57% in total. Approximately 41% of broadcasts were suited for children aged 6 to 12, while the lowest share is accounted for by broadcasts intended for minors aged 12 to 17 (approx. 2%). The content intended for children cannot satisfy, either in its availability or diversity, the growing needs of the youngest who, due to the lack of content, turn to foreign television channels and online content.

Improving the programmes intended for children broadcasted domestically would imply significantly higher shares of such programmes and more up-to-date, interactive, participatory and inclusive content for children, with as much own production as possible to support the indigenous cultural values and the content reflecting the societal context of Montenegrin children. Particular attention should be given to raising awareness and responsibility of broadcasters to produce more inclusive content for children conducive to building a tolerant environment free from any discrimination against the disadvantaged and marginalised groups.

Given the above findings and acknowledging new knowledge available from reference literature, **Recommendations⁵⁷** for broadcasters regarding the features of children’s programmes were developed and published. Maximising benefits

Agencija za elektronske medije

**PREPORUKE
za proizvodnju sadržaja
za djecu**

1 Motiv je dijete i njegove potrebe

Proizvodnja sadržaja za djecu koja nema za motiv da ispuní potrebu najmlađe publike za kvalitetnim sadržajem, ili ovi potrebu podržuje zakonske obaveze, komercijalnim interesom i najvišem smislu ispunjenom promocijom ili drugim licenčnim motivom, uobičajeno nema za rezultat kvalitetan sadržaj.

5 Promoviše razvoj socijalnih vještina i unapređuje međuljudske odnose

Podstiče sadržaj za djecu u pomoć djetetu da se snalaže u različitim socijalnim interakcijama, uči posebnim reakcijama na probleme koji nastaju u različitim međuljudskim odnosima (u porodici, vrtiću, školi, širem društvenom okruženju), prikazuje primjere u autentičnom dječjem okruženju.

2 Podstiča, prilagođen uzrastu i privlačan za dijete

Sve što je djetetu privlačno ne mora biti korisno za njega. Međutim, jednako tako, korisni programi mogu biti djetetu privlačni kako se od njih mogu koristiti i maksimizirati rezultat. Sadržaj mora ispunjavati savremenom djetetu privlačne estetske i tehničke standarde.

Često se prilika promocije dječjih programa sadržaj koriste na način da budu prilagođeni različitim uzrastima, čime ti za jedan uzrast mogu postojati prilagođeni, imajući naumom u vidu, sadržaj bi trebao biti prilagođen uzrastu, privlačan i podstičan za odabranu dobru kategoriju.

6 Podstiče aktivno bavljenje društvenim i fizičkim svijetom za razliku od pasivnog posmatranja

Sadržaj za djecu mora, kroz primjere, podsticati djetetu da aktivno učestvuje u rješavanju, njegovom uzrastu prilagođenih, problema (pomoci drugu, odlaganje otpada, zaštita životinja, odgovoran odnos prema zajedničkoj imovini i sl.). Na ovaj način se podstiče i razvoja društveni aktivizam i doprinosi izgradnji ličnosti.

3 Razumljiv ali izazovan za djecu

Neprikladno djecu kao gledalac podržavaju li mu za moći jednostavni sadržaj, koji kod djeteta ne izazivaju interesovanje. Kvalitetan sadržaj za djecu svakako mora biti u smislu strukture, složenosti, tempa i sadržaja razumljiv za odabranu dob.

Međutim, isti sadržaj mora biti i izazovan za dječju publiku. Program za djecu može obuhvatiti različite teme i žanrove, naraciju i dijalog, nuditi sadržaj koji je istovremeno edukativan i zabavan.

7 Zagovara inkluzivne vrijednosti

Kvalitetan sadržaj za djecu treba da gradi rodno ravnopravne jedinke, da omogući kako dječacima, tako i djevojkama da sebe vide u različitim ulogama, zanimanjima, situacijama (npr. sadržajem policajac, koji nosi uniformu i pravila ne mora biti muškarac).

Sadržaj za djecu moraju prikazivati kulturne i druge raznolikosti u pozitivnom smislu. Programi u kojima učestvuju djeca moraju uključivati djecu sa smetnjama u razvoju i invaliditetom, djeca koja pripadaju različitim etničkim i nacionalnim manjinama, djeca iz socijalno ugroženih porodica, djecu sa sebi i sl.

4 Podstiče mentalne vještine ali i fizičko zdravlje

Prikladno je da sadržaj namijenjen djeci ne predstavlja samo promocije informacija već da dolikavom interakcionom podstiču djetetu na razmišljanje i izazivaju njegovo mišljenje.

Sagledano literaturu, jednostavna interakcija poput obratnja djetetu pred ekranom, postavljanje pitanja (ovajnaje vrijeme da odgovori predstavlja sadržaj koristan za kognitivni razvoj. Kvalitetan sadržaj za djecu bi trebao da podrži i vještine rješavanja problema.

Često se zaboravlja da televizijski program, pored doprinosa razvoju mentalnih vještina, može doprinijeti podsticanju fizičkog zdravlja i razvoju zdravih navika.

8 Aktivno promoviše nenasilje

Sadržaj za djecu, kroz primjere i događaje, može značajno doprinijeti spoznavanju djeteta o tome šta je nasilje (različite vrste), naučiti ga da prepoznaje oblike nasilja, promovisati nenasilje kao jedino ispravno rješenje.

9 Pomaže formiranju kulturnih i estetskih vrijednosti

Sadržaj za djecu bi morali biti oslobođeni od promocije i utjecaja pseudokulturnih proizvoda i fenomena, kao i nekritičkog praćenja trendova masovne kulture u bilo kojoj oblasti. Oni bi morali promovirati umjetničke vrijednosti i time doprinijeti slobodnom formiranju kulturnih, estetskih i drugih vrijednosti ličnosti.

<https://aemcg.org/>

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⁵⁷ Information Brief on Television Programmes Intended for Children - December 2020

32

from watching television content can only be achieved if minors watch age-appropriate, educational, creative, fun, inspirational, informative, diverse and interesting content.

Audiovisual media commercial communication

Audiovisual media commercial communication is defined as commercial broadcasts whose basic purpose is subject or product promotion, and which is broadcasted within the programme. This means that AVM commercial communication aims, using advertising, telepromotion, teleshopping, sponsorship or product placement, to recommend to their viewers or listeners a certain product/service or a certain entity. The method of promotion of such recommendation depends on the form of communication and ranges from the most direct forms (such as teleshopping) to much more circumventive forms (such as sponsorship).

The COVID-19 pandemic marked the year 2020, and its impact is also visible in editorial sections and audiovisual commercial communication. Speaking of advertising, in the course of the year media and advertising industry faced two conflicting trends – increased viewership and listenership, due to various restrictive measure aimed to contain the virus, which had a favourable impact on increasing advertising, while on the other hand the expectation and anticipation that advertising costs will be the first to be cut in the face of economic crisis.

Speaking generally and looking only at the amount of advertising (without the rates), small-scale advertisers seem to have cut advertising costs, which has affected largely the media with local and regional coverage. The absence of sport events had a major impact on television advertising. As for large-scale advertisers, they showed some social responsibility, both financially and in terms of content, given that television adverts tended to stress solidarity and humanity towards public education or support to medical staff.

The trend of increasing the share of highlighting products or entities which imply the inclusion (visual highlighting) or mentioning (sound or verbal highlighting) within broadcasts continued in 2020. This means the upward trend for commercial communications where the promotional element is integrated in or placed within a broadcast.

Supervision over the legislation related to AVM commercial communication for the last several years shows that the time has passed when the most visible advert was regarded as best. In time, the interest of major advertiser shifted away from the forms of direct advertising (traditional commercials) towards the forms of highlighting products found today both on radio and on television.

Given that native advertising has the power to circumvent advertising rules in the programmes of electronic media, as was the case previous years, the upward trend of breaches of standards concerning surreptitious advertising still persists. This is particularly observable among television broadcasters, as testified by the fact that, if only traditional TV commercials were to be taken into account, there are few violations of the maximum allowable quota for advertising. In the case of radio broadcasters, apart from breaching the maximum allowable shares of advertising, the inappropriate practice of broadcasting adverts outside the advertising slots was also observed.

Given the revised Directive on Audiovisual Media Services (AVMS Directive) and the new Law on the National Public Broadcaster RTCG (from July 2020), but also the current Law on Electronic Media, currently two regimes of maximum allowable shares of advertising are applied in Montenegro.

Under the RTCG Law, the Television of Montenegro (TVCG) is subject to the limit of 15% share of advertising between 6h and 18h, and between 18h and 24h. Moreover, in case of TVCG, advertising and teleshopping are banned between 20h and 22h. The share applicable to other broadcasters in Montenegro, under the Law on Electronic Media, is 20% of ads per an hour of broadcasts.

The first month of implementation of the new statutory rules did not exhibit any concentration of adverts during certain periods. Overall, TVCG retained the same schedule of advertising per an hour of airtime.

13. Public broadcasters

Although several years ago four local self-governments passed the **decisions to launch their local TV programmes**, by the end of 2020 their respective local parliaments either did not appoint the public broadcaster councils (Bar) or did not apply for broadcasting licences (Cetinje, Ulcinj, Kolašin).

In September 2020, the local public broadcaster “Radio televizija Kolašin” d.o.o. was awarded a broadcasting licence for general radio programme “**Radio Kolašin**”⁵⁸.

In February 2020 the Local Council of the Capital City passed the Decision to Set Up the Local Public Broadcaster “**Radio televizija Podgorica**” d.o.o.⁵⁹ In July the Local Council appointed the Council for this public broadcaster⁶⁰, and in late November 2020 it was awarded the broadcasting licence for general radio programme “**Radio Podgorica**”⁶¹.

In case of two local public broadcasters, the procedures to appoint some council members were conducted (Radio Berane, Radio and televizija Cetinje).

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In 2020, public broadcasters and competent authorities within their founding entities proceeded to draft and **adopt the stipulated documents concerning three-year funding and operation for public broadcasters** (programming, contract, work plan and financial plan).

As of December 2020, **eight** (out of 16) local self-government units **aligned the articles of association for local public broadcasters** (founded by these municipalities) **with the Law on Electronic Media regarding state aid rules**⁶². In 2018 it was done in Pljevlja, Tivat, Bijelo Polje and Budva, in 2019 in Kolašin and Kotor, and in 2020 in Podgorica⁶³ and Danilovgrad⁶⁴. The following local self-governments have not aligned their articles of association with the Law on Electronic Media in terms of the state aid rules: Andrijevica, Berane, Nikšić, Ulcinj, Cetinje, Bar, Rožaje and Herceg Novi.

Under Art 76 of the Law on Electronic Media, the given local self-government unit and its public broadcaster govern by means of a contract mutual rights and responsibilities regarding the use of budget funding referred to in Art 76 paras 1, 2 and 3 of the law (in pursuit of the public right to information enshrined in the Constitution and guaranteed by laws) in such a manner to reflect the actual costs required for complying with the requirements set in this article and in Art 74 of the same law. In the case of most public broadcasters, the first three-year contracts covered the period 2017 – 2020. Thus, in 2020 some local public broadcasters started developing and concluding new three-year contracts. Ending with 15 March 2021, AEM received **new three-year contracts from three local public broadcasters (2021 - 2023)** governing mutual rights and responsibilities between local self-governments and their respective public broadcasters (Kotor, Bar, Tivat and Herceg Novi).

⁵⁸ Broadcasting Licence no. O-R-J-18 (ref. no. 02-997/2 of 15 September 2020).

⁵⁹ Official Gazette of Montenegro – Municipal Regulations no. 09/20.

⁶⁰ 02-016/20-653 of 30 July 2020. Not published in the (Official Gazette of Montenegro – Municipal Regulations).

⁶¹ Broadcasting Licence no. O-R-J-19 (ref.no. 02-1203/2 of 27 November 2020)

⁶² Law on Electronic Media, Art. 76 to 76c.

⁶³ Decision to Set Up the Public Broadcaster “Radio televizija Podgorica” (Official Gazette of Montenegro – Municipal Regulations no. 09/20).

⁶⁴ Decision amending the Decision to Set Up the Public Broadcaster “Radio Danilovgrad” (Official Gazette of Montenegro – Municipal Regulations no. 17/20).

14. Registration and identification of e-publications

Until the **new Media Law**⁶⁵ entered into force, under the provisions of the Law on Electronic Media, AEM was responsible for regulating the rights, duties and responsibilities of legal entities and natural persons providing e-publication services.

Accordingly, in 2016 the AEM Council adopted the Rulebook on Electronic Publications governing the rights and duties concerning the provision of electronic publication services.

Faced with frequent demands to undertake activities to suppress negative comments and define the responsibility of electronic publications for such comments, the AEM Council regulated the matter with the above Rulebook.

Once the Rulebook entered into force, AEM set up the Register of e-Publication Service Providers (hereinafter: "Register").

Registration was done based on an application submitted to AEM by a legal or natural person before commencing the provision of e-publication services. **From 2016 to November 2020 the total of 101 e-publication was entered in the Register.**

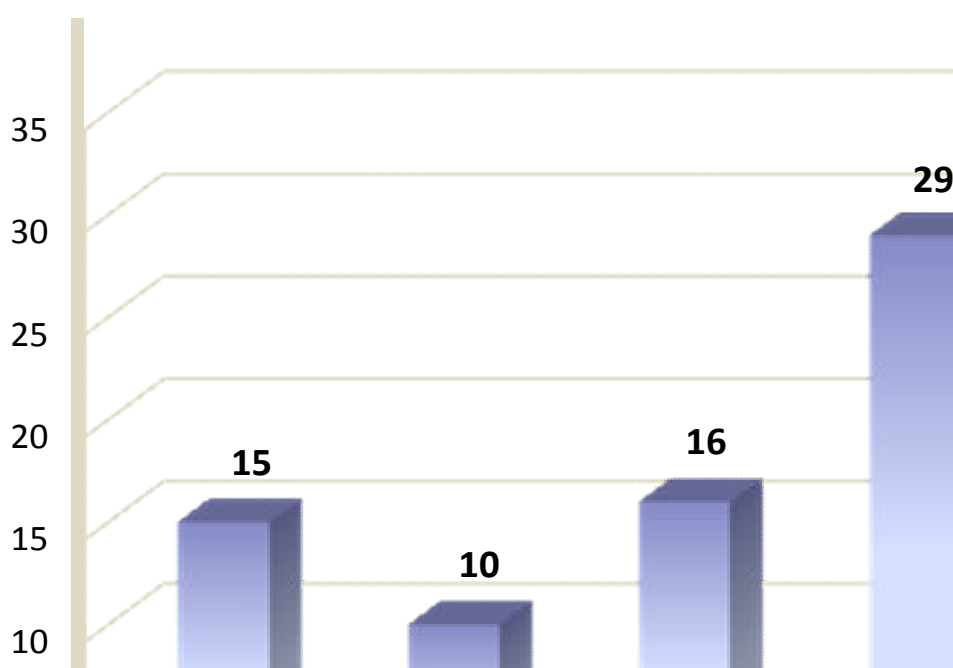


Figure 19.: Registration of e-publication service providers by year

Notwithstanding the indubitable significance of regulating the area of e-publications, the review of the provisions of the Law on Electronic Media clearly indicates that it did not provide a comprehensive regulatory framework for effective implementation and enforcement of its stipulations in several points.

For one, AEM often received complaints regarding the operation of e-publication service providers. When considering such complaints, we took into account the fact that AEM did not have legal grounds to impose any administrative measure, as envisaged by Articles 138 to 143 of the Law on Electronic Media, given that they specifically refer to AVM service providers (broadcasters and operators), but not the e-publication service providers. Hence, we were unable to take any lawful decision (concerning administrative measures) upon complaints.

Those who believed that an e-publication service provider violated any of the set standards (right to correction and reply, prohibition of hate speech and discrimination, right to privacy and

⁶⁵ See the section on the Media Law herein (the chapter on the Development and Implementation of the Legal Framework Relevant for Audiovisual Media Sector).

dignity, protection of integrity of minors) had to take legal action in pursuit of safeguarding their rights.

The Law was silent concerning any administrative measure or misdemeanour liability that would allow AEM to impose an obligation on e-publication service providers, before commencing service provision, to apply with AEM to be entered in the Register of e-Publications. For this reason, we periodically sent out an invitation to e-publication service providers to apply for registration.

AEM monitored whether the e-publication service providers entered in the Register, in terms with the Rulebook, enable to their users a simple, straightforward and continued access to the following information: name of the e-publication service provided; identification sign; official address; official e-mail for formal correspondence and submitting corrections, replies or objections. Comparing the information from the Register with the information available on respective portals, certain deviations were observed, leading to a public call to all e-publication service providers to align their work with the requirements set in the Rulebook.

In terms with the provisions of the new Media Law, in November 2020 AEM submitted all registers of AVM and e-publication (web-based portals) service providers and copies of AVMS licences, as hard and electronic copies, to the Ministry of Culture (the authority responsible for media).

15. *Administrative measures*

In 2020, AEM registered, identified and handled the cases, pronouncing measures to broadcasters for noncompliance with programme standards, AVM commercial communication standards, the standards for media coverage during the campaign for parliamentary and local elections held on 30 August 2020, and for defaulting in payment of the annual broadcasting fee.

In 2020, AEM **issued 110 warnings**, out of which 88 ex officio, and 22 upon complaints.

The total of nine appeals were lodged against **first instance decisions** pronouncing warnings or other documents setting rights and responsibilities of AVM service providers, out of which **one appeal** in the case instigated upon the complaint against a broadcaster, **two appeals** in the cases instigated upon complaints against on-demand AVM service providers, **five appeals** in cases instigated ex officio against broadcasters, and **one** in the case instigated ex officio against an on-demand AVM service provider.

The AEM Council **rejected eight appeals as ill-founded**, and **upheld one appeal**, quashed one first instance decision and instructed the first instance body to repeat the proceeding.

*The warnings and decisions upon appeals are available at the AEM webpages
(www.aemcg.org).*

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Complaints against broadcasters

Between 1 January and 31 December 2020, AEM received **56 complaints against broadcasters** as follows:

- "Prvi program RTCG" (TVCG1) - 16 complaints,
- "Drugi program RTCG" (TVCG2) - two complaints,
- „TV Herceg Novi“ - three complaints,
- „TV Nikšić“ - two complaints,
- „TV Budva“ - four complaints,
- „TV Vijesti“ - 13 complaints,
- „TV Nova M“ - six complaints,
- „TV Prva“ – six complaints,
- „TV A1 Montenegro“ - one complaint,
- „TV MNE SPORT 3“ - one complaint,
- „Radio Homer“ - one complaint,
- "TV Pink M" - one complaint.

In the first instance, 32 complaints were rejected, 22 accepted with the corresponding number of warnings issued. In two cases, complainants were given a reply or explanation.

The largest share of warnings issued upon complaints against broadcasters (12) was on the account of violation of provisions on audiovisual commercial communication (Law on Electronic Media, art. 85, 89, 92, 93 & 95, and the Rulebook on Audiovisual Commercial Communication, art. 13, 37, 41, 44, 58 & 61).

The remaining 10 warnings referred to the violation of programme standards in electronic media, where two warnings also referred to the violation of the Rulebook on Rights and Responsibilities of Broadcasters during the Campaign for Parliamentary Elections held on 30 August 2020 (Art 8 – surreptitious media coverage).

As for rejected complaints, most of them were rejected as ill-founded (25 complaints), while seven complaints were rejected on the account of the administrative procedure already conducted / launched in the same administrative matter.

In the second instance upon complaints against broadcasters, the AEM Council received **one** appeal concerning the first instance decision rejecting the complaint as ill-founded⁶⁶. The appeal was rejected as ill-founded.

Complaints against on-demand AVM service providers

In 2020 AEM received **eight** complaints against on-demand AVM service providers. In the first instance, **one complaint** was accepted and a warning issued, **six** complaints were rejected, and in **one** case the complainant was sent a reply.

The warning was issued under Art 26 (1)&(2) of the Rulebook on Awarding Licences for On-demand AVM Services⁶⁷ concerning the obligation of on-demand AVM service providers to ensure that for programmes which may harm the physical, mental or moral development of minors are categorised as inappropriate for persons under 18 years of age, aired between 06h and 23h, parental

⁶⁶ AEM Council Decision no. 01-991/6 of 04 November 2020

⁶⁷ Official Gazette of Montenegro 35/11 and 08/19.

controls are automatically activated, and if this measure does not ensure effective protection of minors against harmful content, ensure that parental control is automatically activated for the whole TV programme⁶⁸.

An appeal was lodged against this warning, which was upheld by the AEM Council⁶⁹, quashing the first instance decision and returning the case to the first instance body for the repeated proceeding. In the repeated proceeding, the first instance body rejected the complaint as ill-founded.⁷⁰

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Complaints against e-publications

In 2020 AEM received **13 complaints** against e-publications (web-based portals) and **one complaint** concerning a Facebook profile⁷¹. In the first instance, four complaints against e-publications were rejected, in eight cases complainants were responded in a letter, while in one case a motion was lodged with the Basic State Prosecution Office to remove the content published⁷².

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Cases conducted ex officio – broadcasters

In 2020, AEM instigated ex officio 134 cases against broadcasters and issued 88 warnings. The total of **35** cases were suspended when broadcasters rectified the irregularities observed (submitted the media coverage records) within the stipulated timeframe, **three**⁷³ cases resulted in modifications to broadcasting licences based on the applications for significant changes to the respective programme structures. In addition, six cases were closed by providing a reply, while two cases are still pending.

On the account of default in payment of the annual broadcasting fee, AEM issued 33 warnings.

Based on its regular monitoring of broadcasts, AEM observed violations of programme obligations and issued:

- seven warnings for failure to comply with the programme schedule or structure as established by the respective Broadcasting Licence (Art 58 of the Law on Electronic Media, Art 23(2) of the Rulebook on Awarding Broadcasting Licences, and Art 11 of the Rulebook Setting the Terms for Programmes Regarded as Own Production).
- 16 warnings for violating the standards regarding audiovisual commercial communications. The bulk of them (14) concerned surreptitious advertising, broadcasting not readily recognisable as AV commercial communications, i.e. to be properly marked and/or spaced, as well as breaching the terms set for sponsored AVM services and programmes. Two warnings were issued on the account of exceeding the maximum allowable duration of advertising per an hour of air time.
- eight warnings for violating programme standards.
- 23 warnings for violating the Rulebook on Rights and Obligations of Broadcasters during the Campaign for Parliamentary and Local Elections held on 30 August 2020.

⁶⁸ AEM Decision no. 02-1070/8 of 05 November 2020

⁶⁹ AEM Council Decision no. 01-1070/10 of 11 December 2020

⁷⁰ AEM Decision no. 02-1070/19 of 31 December 2020

⁷¹ Document no. 02-361 of 21 April 2020

⁷² Document no. 02-498/1 of 26 June 2020

⁷³ Cases 02-504 of 24 June 2020 (TVHN); 02-1044 of 02 October 2020 (Radio Play Montenegro); 02-1219 of 20 November 2020 (Radio Homer);

- one warning for violating Art 5(1) of the Rulebook on the Requirements for Minimum Programme Quota for European Audiovisual Works.

In the second instance, AEM Council received two appeals⁷⁴ against the decisions in which AEM, acting ex officio, issued warnings for broadcasters. Both appeals were rejected as ill-founded.

Cases conducted ex officio - on-demand AVM service providers

In 2020, AEM, acting ex officio, instigated seven cases against **on-demand AVM service providers** and issued the same number of warnings on the account of the violations of the obligation:

- to make available the programme content distributed within the basic package, which may harm physical, mental or moral development of minors and which are categorised as inappropriate for minors under 18 years of age, in terms with the Rulebook on Programme Standards in Electronic Media, exclusively in such manner to ensure that minors under the normal circumstances will not hear or see such services (activating parental controls) - Art 26 of the Rulebook on Awarding Licences for On-demand AVM Services, and
- to place the programmes of Montenegrin broadcasters immediately following the programmes of the national public broadcaster - Art 38 of the Rulebook on Awarding Licences for On-demand AVM Services.

Measures to limit rebroadcasts of foreign programmes

AEM Council, at its session held on 7 and 10 February 2020, passed the decision⁷⁵ to **limit over three months rebroadcasts of certain programme content from Serbia aired on TV Happy and TV Pink M**. The reason for such a decision were the programmes promoting hatred, intolerance and discrimination against persons of Montenegrin ethnicity, which constitutes the violation of Art 7 of Convention on Transfrontier Television. Seeing this as a matter of public interest whose protection requires taking measures to suppress the challenged expression, the AEM Council concluded it was justified to limit for a period of three months the rebroadcast of the following content: (1) „Dobro jutro Srbijo“, „Ćirilica“ and „Posle ručka“ at TV Happy and (2) „Novo jutro“ at TV Pink M.

16. *Activities to improve collection of claims*

Warnings and debt rescheduling

On the account of default in payment of annual broadcasting fees, AEM issued 33 warnings to a certain number of broadcasters on two occasions (25 February 2020 and 9 October 2020).

Debt rescheduling protocol was signed with “Jupok” d.o.o., while “Boin” d.o.o. had an active protocol dating back to 2019.

Enforced collection

In 2020, through bailiffs, AEM launched two enforced collection actions⁷⁶ against „M-Corona“ d.o.o. (Radio Corona and TV Corona), worth EUR 24,502.82 (Enforcement Decisions lv. br. 2045/20 of 30 December 2020 and lv. br. 1715/20 of 30 December 2020). In addition, three enforced collection cases instigated over the previous years continued (local public broadcaster “Radio i Televizija Nikšić“ d.o.o. and “Blue Moon“ d.o.o.).

The following can be incurred on the status of the above cases in 2020 based on the data available:

⁷⁴ Appeal against the Decision 01-988/5 of 23 October 2020; Appeal against the Decision 01-989/1 of 23 October 2020

⁷⁵ AEM Council Decision no. 01-147 of 10 February 2020

⁷⁶ The enforcement proceedings was instigated under the terms of the Law on Enforcement and Security (Official Gazette of Montenegro 36/11, 28/14, 20/15, 22/17, 76/17).

- one case was suspended on the account of the broadcaster repaying the debt in full: „Radio i Televizija Nikšić“ d.o.o. - Radio Nikšić),
- two cases were suspended on the account of the initiated bankruptcy proceedings: „Blue Moon“ d.o.o. - TV MBC),
- two cases are pending: „M-Corona“ d.o.o. (Radio Corona and TV Corona).

Bankruptcy proceedings

Since enforced collection was not possible (due to lack of funds on the debtors' accounts), in 2020, at the initiative of other entities, two **bankruptcy proceedings** were launched in which AEM raised its claims.

Two bankruptcy proceedings launched over the previous years (private institution “Radio Televizija Panorama” - Radio Panorama and Televizija Panorama; and “Radio Televizija Atlas” d.o.o. - Radio Atlas⁷⁷) continued.

DEBTOR	OUTLET	MAIN DEBT	BANKRUPTCY AMOUNT	Status
„Sun Sun“ d.o.o. ⁷⁸	TV Sun	25,330.70	25,330.70	Bankruptcy Debtor Restructuring Plan upheld
„Blue Moon“ d.o.o.	TV MBC	100,003.00	100,079.70	Bankruptcy concluded ⁷⁹

Table 20.: Bankruptcy proceedings launched in 2020

The following can be incurred on the status of the above cases in 2020 based on the data available:

- two proceedings were closed and the broadcasters were deregistered from the Central Register of Business Entities – private institution “Radio Televizija Panorama” and „Blue Moon“ d.o.o. AEM wrote off the debt of €124,556.8.
- the Restructuring Plan for “Sun Sun” d.o.o. Bijelo Polje⁸⁰ was upheld, and the bankruptcy proceeding is expected to be suspended in early 2021.
- one case is pending – “Radio Televizija Atlas” d.o.o.

17. Financial Assistance for Broadcasters – COVID-19

With a view to providing support and ensuring business continuity of commercial and public broadcasters in the context of the COVID-19 pandemic, the following decisions by the AEM Council were implemented in 2020:

- Decision to exempt commercial and public broadcasters from the requirement to pay the second quarterly instalment of the broadcasting fee in 2020⁸¹, which ensured assistance in the amount of €81,244.13.
- Decision to exempt commercial and public broadcasters from the requirement to pay the fourth quarterly instalment of the broadcasting fee in 2020⁸², which ensured assistance in the amount of €81,599.53.

⁷⁷ The bankruptcy proceeding was launched by the public company “Radio-difuzni centar” d.o.o.

⁷⁸ The bankruptcy proceeding was launched by the Ministry of Finance – the Tax Administration Office Podgorica.

⁷⁹ Decision to Close the Bankruptcy Proceeding St.br. 142/20 of 20 November 2020. (Official Gazette of Montenegro 115/20, Announcements section 54/20)

⁸⁰ The Decision to Uphold the Bankruptcy Debtor Restructuring “Sun Sun” d.o.o. Bijelo Polje St.br. 66/19 of 19 November 2020

⁸¹ AEM Council Decision ref.no. 01–279/3 of 20 March 2020

⁸² AEM Council Decision ref.no. 01-1207 of 17 November 2020

- Decision to exempt commercial and public broadcasters broadcasting the content within the remote learning “Uči doma” campaign from the requirement to pay the first and third quarterly instalment of the broadcasting fee in 2020⁸³, which ensured assistance in the amount of €15,535.99.

All decisions were made following intensive dialogue with broadcasters and after having thoroughly assessed the state-of-play in the market and the impact of the measures on AEM operation.

Thus, in 2020 AEM appropriated the amount of €178,379.65 from its operational budget.

In terms with the State Aid Law⁸⁴ and the Interim Framework for State Aid with a View to Supporting the Economy in the Context of the COVID-19 pandemic, AEM was obliged to submit state aid applications to the Competition Agency.

In response, the Competition Agency gave its positive opinion of the measures to support commercial and public broadcasters⁸⁵.

⁸³ AEM Council Decision ref.no. 01-1191/1 of 11 December 2020

⁸⁴ Official Gazette of Montenegro 12/18.

⁸⁵ Decision of the Competition Agency ref. no. 01-430/21-28/3 of 18 January 2021

STATE-OF-PLAY IN THE MARKET OF RADIO AND TV PROGRAMME DISTRIBUTION TO END USERS

Under the licences issued by AEM, the distribution of radio and television programmes to end users is done via free access terrestrial platform (DVB-T2 FTA) and various platforms with conditional access (KDS, IPTV, DTH and DVB-T2).

The free terrestrial platform (FTA – Free to air) is used by two operators. „Radio-difuzni centar” d.o.o. has the status of the operator of the first multiplex for digital terrestrial broadcasting covering the whole territory of Montenegro (MUX 1), partly used as an FTA platform, and for the bigger part as the conditional access platform, as well as the status of the operator of the second terrestrial digital broadcasting multiplex (MUX2) whose capacities are used as the conditional access platform. The same company also operates 15 local multiplexes which are also only partially used as the FTA platform. Apart from the above, the operator of the local multiplex MUX UL L1 for Ulcinj Municipality is the company “Mir & Teuta “ d.o.o. Ulcinj. The capacities of this multiplex are also only partly used as an FTA platform.

The right of access to the first national multiplex MUX1 (free television) is enjoyed by the national public broadcaster (RTCG) with two television channels (TVCG1 and TVCG2), and the broadcasters of TV Vijesti, TV Prva and TV Nova M. The access to the local multiplex in Ulcin (MUX UL L1) has been gained so far by broadcasters of TV Teuta and TV Boin, to the local multiplex in Podgorica (MUX PG-DG L1): TV Boin, and the local multiplex in Bijelo Polje (MUX BP L1): TV Sun. In addition, the right of access to local multiplexes in Budva (MUX BD L1), Nikšić (MUX NK-PZ L1) and Pljevlja (MUX PV L1) is exercised by local public broadcasters founded by local parliaments of Budva, Nikšić and Pljevlja, respectively.

Speaking of conditional access platforms (Pay-TV), the distribution rights are exercised under nine licences issued: two cable, three IPTV, two DTH, as well as two licences for terrestrial conditional access platform (DVB-T2). Given that one of the licenced IPTV operators has not started providing services yet, this report focuses only on eight licences for distribution of radio and television programmes to end users.

As of 31 December 2020, the total number of connections for distribution of radio and television programmes via different platforms with conditional access was **239,550**.

Compared with the data at the end of 2019, the number of Pay-TV service users increased by **3,551** or **1.50%**.

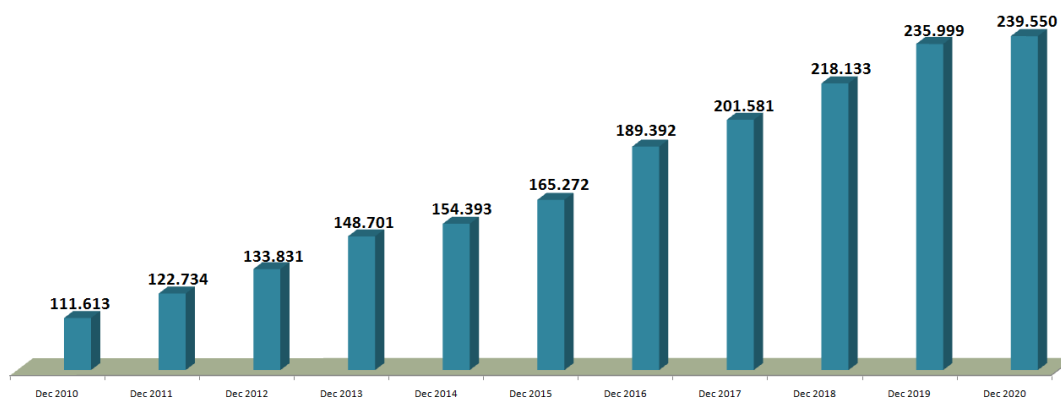


Figure 21. Number of connections using conditional access platforms (Pay-TV)

At the end of the period observed, the total number of connections exceeded by 22.98% the total number of households in Montenegro, i.e. number of connections for natural persons exceeds by 18.30 % the total number of households.

When the same data are broken down by geographic distribution, it shows that in Podgorica and some coastal municipalities (Bar, Budva, Herceg Novi, Kotor and Tivat) the number of connections exceeds considerably the number of households, while in the majority of northern municipalities⁸⁶ the number of connections stands at some 78% compared to the number of households. Based on the above, the assumption is that approx. 12,000 households (around 6.10%) still use only free (Free to air) television.

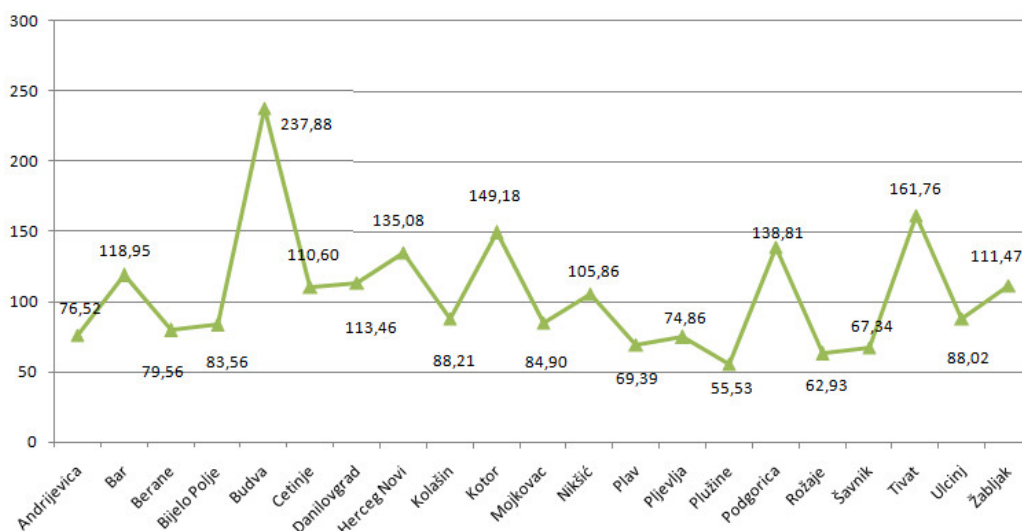


Figure 22. Connections to conditional access platforms compared to the number of households – by municipality

Looking at the number of connections in reference to the number of households, the demand is greatest in the coastal region, 144.02%. This means that the number of connections to conditional access platforms in this region exceeds the number of households by 22,295 in total. This is followed by the central region with 127.55%, and the northern with 77.59%. Although the number of users of conditional access is increasing steadily, only a negligible share of the increase refers to the northern region.

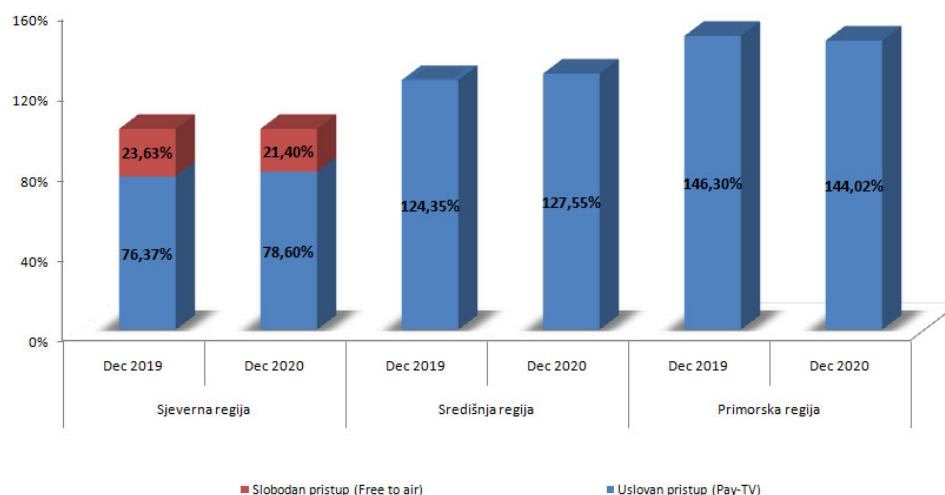


Figure 23.: Connections to conditional access platforms compared to the number of households – by region

⁸⁶ Northern region: Andrijevica, Berane, Bijelo Polje, Kolašin, Mojkovac, Plav, Pljevlja, Plužine, Rožaje, Šavnik, Žabljak.
 Central region: Cetinje, Danilovgrad, Nikšić, Podgorica.
 Coastal region: Bar, Budva, Herceg Novi, Kotor, Tivat, Ulcinj.

Looking at the shares of different platforms with conditional access, KDS with the share of 44.53% holds the leading position in the market for the distribution of radio and TV programmes to end users. It is followed by IPTV (29.88%) and DTH (22,24%). The share of DVB-T2 is 3.35%.

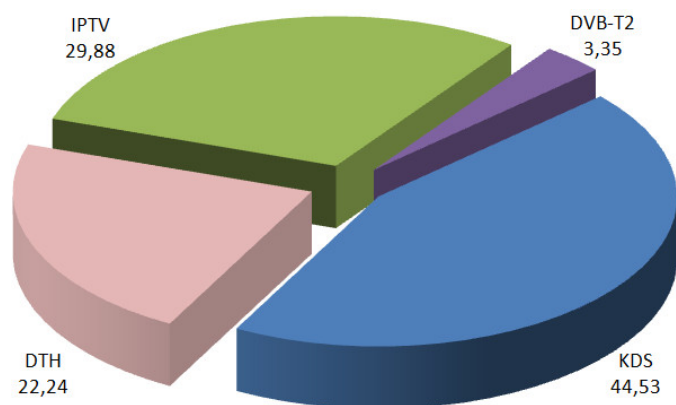


Figure 24. Market shares of different platforms with conditional access

Over the period observed, the average price of the basic package amounted to €11.12 (the highest being €15.99, and the lowest €5.66). Basic packages include, on average, 92 television channels (between 233 as the highest, and 17 as the lowest number).

The operators offering additional packages, on average offer seven additional packages (between 14 as the highest, and 1 as the lowest number of additional packages). The average price of an additional package is €7.07 (the highest being €25.00, and the lowest €1.90).

As regards the structure of additional packages, they mostly include films and sports. The additional packages in highest demand in Montenegro are HBO, PINK and ARENA.

Three operators offer the possibility for users to access services online and via mobile applications. This allows access to a certain number of radio and TV programmes from the operators' offers. The video on demand services are provided by three operators.

Given the total scope of provided services of radio and TV programme distribution to end users, i.e. the total number of basic and additional packages sold, the households using these services pay for them on average €12.90 a month.

FOSTERING MEDIA LITERACY

Modern generations replace traditional media and formal education through information and education processes with communication channels dominated by digital platforms and their services, social media in particular.

Apart from traditional media, which due to a certain degree of (self)regulation mostly operate and report in compliance with professional and ethical standards, there is an increasing number of online media that strive for fast and often unverified information. Under the pressure of competition for attracting and retaining attention of viewers/listeners and users of online platforms, the effects of the operation and practices of the new media often have a spill-over effect on the traditional media.

Raising awareness of the importance of skills to recognise types of content (editorial, advertising or user-generated), and the credibility and comprehensiveness of the information offered is paramount. Thus, media and information literacy is a process that should comprise a set of structured efforts across society over a longer period of time.

In order to raise the level of media and information literacy among students, teachers, librarians and journalists, the Faculty of Political Sciences in collaboration with AEM, launched the project entitled **Media and Information Literacy in Southeast Europe in the Function of Developing Critical Thinking and Youth Advocacy**. The project is a part of a joint regional programmes **Dialogue for the Future: Fostering Dialogue and Social Cohesion in, and between, Bosnia and Herzegovina, Montenegro, and Republic of Serbia**, implemented in Bosnia and Herzegovina (the Faculty of Political Scienc, University of Sarajevo), in Serbia (the Faculty of Political Sciences, the University of Belgrade) and in Montenegro by UNESCO, UNICEF and UNDP.

The project priorities include developing and strengthening media and information literacy prevention of hate speech, reconciliation and social cohesion, promotion of gender rights and equality. In addition, the project aims at youth inclusion and empowerment, focusing on the common good, through workshops structured based on the knowledge and experiences from previous projects, and experiences of experts doing the fieldwork.

Under the project, **workshops for journalists and students at the Faculty of Political Science** were held in a remote mode, due to the epidemiological measures in force, on 26, 27 and 28 November 2020. All Montenegrin media outlets got the invitation, with the particular focus on the media of vulnerable and minority groups. The total of 23 journalists and 14 students participated. The speakers included: Prof Dubravka Valić Nedeljković, Prof Dr Danijela Vuković Čalasan, Doc Dr Vladimir Bakrač, Elvira K. Ceković, M.A. (AEM) and Tatjana Ljubić. In consultations with the speakers, the topics to be covered and the design of the workshops were developed as a combination of theoretical inputs and practical skills development.

The programme reflects the topical themes and key issues in the Montenegrin media market, but also in society at large. Vulnerable groups were in focus, as well as reporting on minority groups, groups of different religion and children. Such topics are quite relevant, given that the research has shown that vulnerable groups are either the least vocal in the whole society or covered in the media in a sensationalistic manner. By doing so, media cause harm by spreading stereotypes and bias against certain groups.

Another activity done under the project refers to the **expert workshop**, also done remotely on 03 December 2020 aspiring to promote further academic networking. The workshop was delivered by media experts, professors and members of project teams from Bosnia and Herzegovina, Serbia and Montenegro. Apart from sharing experiences from the first set of workshops, the speakers discussed their experiences and challenges encountered in delivering webinars. It was agreed to draft a Joint Declaration on the importance of media and information literacy in Southeast

Europe, whose signing is anticipated at the final regional event (planned for the first quarter of 2021).

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On 22 December 2020, under the **Media for Citizens, Citizens for the Media** project, the Montenegro Media Institute hosted a debate, delivered using the Zoom platform, on the Media Topics Intended for Children and Youth – Are There Enough of Them?, attended by the AEM representative, Elvira K. Ceković, M.A., the head of the PR Service.

The debate involved secondary school students from Podgorica, Tivat, Danilovgrad, and Golubovci, representatives of educational institutions, nongovernmental organisations and media outlets, and focused on why young people use social networks as a source of information, whether they lose trust in traditional media and why, whether the media, particularly the public ones, help them be better informed, and whether are conducive for developing their potentials to build a better society.

INTERNATIONAL COOPERATION

Given the situation caused by the COVID-19 pandemic, the 2020 was not a typical year in terms of AEM's international cooperation. Almost all activities were organised via various communication platforms and as virtual events (webinars, etc.). This had both its upsides, and downsides. Great reduction of travel costs associated with participation to various events and the possibility for a larger number of AEM representatives to attend are surely some of the positive aspects. On the other side, difficulties around planning and implementing international projects, and the absence of direct communication with other regulators and representatives of international organisations and associations are some of the negative effects.

The travel restrictions have had a particularly negative impact in the year when the revised Directive on Audiovisual Media Services (AVMS Directive) should have been fully transposed (September 2020) when it is paramount to share experiences in direct communication with other regulators to align the approaches concerning the various challenges that the new Directive poses before the national regulators.

The AEM representatives attended the remote meetings, workshops and conferences organised by the European Platform for Regulatory Authorities – EPRA and the European Regulators Group for Audiovisual Media Services. Additionally, they also contributed to several international / regional projects and events focusing on situation analysis and possible improvements of practices as regards the application of media standards. Particular attention was given to the activities focusing on improving the knowledge and capacities of the AEM staff to monitor and keep pace with the trends and develop good practices regarding AVM services regulation. In this respect, AEM received substantial support from the Council of Europe and the European Union through a number of regional projects aimed at improving media freedoms and freedom of expression.

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Involvement in the work of the European Regulators Group for Audiovisual Media Services (ERGA)⁸⁷

Report on the implementation of the Code of Practice on Disinformation⁸⁸

In 2018 the European Commission initiated the establishment of a multi-stakeholder forum that agreed the provisions of the Code of Practice on Disinformation⁸⁹. On that ground, the platforms such as Google, Facebook and Twitter undertook to pursue policies aimed to prevent the spread of disinformation. Under the December 2018 Action Plan against Disinformation, the European Commission set up the monitoring programme over the Code implementation.

Based on monitoring performed by its members, in 2019 ERGA drafted, and on 04 May 2020 published the report presenting the results

“The fight against Disinformation is of highest importance for our democracy. We need to preserve the value of public discourse on the internet by preventing the deliberate spread of false information while respecting the freedom of speech. This is why ERGA will continue its expert support to the European Commission.

But a danger must be combated where it arises.

Therefore, we also need to find ways to strengthen the signatories' efforts to increase the effectiveness of the Code's measures and of their reporting activities.”

Tobias Schmid, ERGA Chair

⁸⁷ The **European Regulators Group for Audiovisual Media Services** (<http://erga-online.eu>) gathers the representatives of national independent regulators in the area of audiovisual services with the aim of providing advice and assistance to the European Commission and allowing for an exchange of experiences and good practices among European regulatory bodies for the audiovisual market.

⁸⁸ <https://erga-online.eu/wp-content/uploads/2020/05/ERGA-2019-report-published-2020-LQ.pdf>

⁸⁹ Code of Practice on Disinformation, <https://digital-strategy.ec.europa.eu/en/policies/code-practice-disinformation>.

of in-depth analysis into applying the Code of Practice on Discrimination.

The Report assesses the actions implemented to deliver on the commitments under all five pillars of the Code in 2019. The Report notes the Code should be regarded as an important step in controlling online disinformation since it established a new relationship between the platforms, the EU and national AV regulators. Although some platforms invested clear efforts to align with such commitments, ERGA nevertheless established **significant weaknesses** that need to be addressed to achieve its objectives. Thus, ERGA presented **specific recommendations** that should help make progress in implementing the Code:

- Increase transparency of platforms, including the provision of much more detailed information (especially country-specific information) on how the Code is implemented by its signatories. ERGA proposes the platforms should enable national regulators to have independent monitoring of data, tools for monitoring data and country-specific information;
- increase the number of platforms that are Code signatories to avoid regulatory asymmetry;
- move from the current self-regulatory model to more structured co-regulation. The current self-regulatory model proved to be an important and necessary first step, but there is a need to be more efficient in combating disinformation on the internet. This should be secured by providing an appropriate co-regulation tool.

ERGA invited the EU to help the electronic media at the time of the COVID-19 crisis

Stressing the extreme importance of media at the time of the crisis, ERGA noted that the COVID-19 pandemic highlighted the need for reliable information on the disease itself and the protective measures taken by authorities. Professional journalism is important as it counters the dangers of disinformation, which can further aggravate the situation. Adequate digital communication capabilities, for example online services, are equally important in order to cultivate social contacts and guarantee access to quality content in times when citizens are asked to stay at home. Even in the times of crisis, media companies need to be able to fulfil their mission of bringing the society together and securing democracy.

However, the economic effects of the crisis hit hardest audio-visual media companies, many of which were already under financial strain in a rapidly changing market. The restrictions of movement and other control measures decided by the national authorities to contain a further spread of the virus also complicate the functioning of media outlets.

In concertation with the European Commission, ERGA extended its current work on disinformation by conducting an assessment on how platforms react to the challenges posed by the 'infodemic' accompanying the pandemic. In addition, ERGA formed an Action Group to exchange experience and information about the crisis' impact on the economic conditions for the audiovisual media sector in the Member States.

ERGA plenary sessions in 2020

On 4 June 2020, the **13th ERGA plenary meeting** was held in a virtual setting. ERGA members exchanged information and experience of how media companies in their country were coping with this global crisis. According to the interim results of the adhoc Action Group, looking at the economic conditions of media service providers in the current COVID-19 crisis, the media sector as a whole was severely hit with serious economic losses, especially for those players depending on advertising revenues. On the contrary, video on demand providers and Over the Top (OTT) streaming services benefited from an increase in their customers basis and viewership. Thanking the participating National Regulatory Authorities (NRAs) for their contributions, the importance of the measures taken

by Member States and regulators to support the audiovisual media sector in this extraordinary situation were emphasised.

ERGA members exchanged ideas for the future EU regulatory framework for the media in the digital environment. Giuseppe Abbamonte, Director for Media Policy at the European Commission's Directorate-General for Communications Networks, Content and Technology, encouraged ERGA to contribute to the ongoing debate of the Digital Services Act-package, aiming to complete the regulatory environment for digital services. He stressed the importance of the Country of Origin principle and the added value ERGA brings by helping to ensure a consistent implementation of rules in the media environment.

After publishing its Report on Assessing the Code of Practice on Disinformation, ERGA continues focusing on the problem of disruption of informational ecosystem. In 2020, ERGA defined two workstreams in this area. The first one dealt with the notions of disinformation and related concepts with the aim to get an overview of how this phenomenon is legally dealt with in different Member States. The definitions used by the different actors and the academic perspective on the topic were also looked at. The second workstream continues to assist the European Commission in tackling disinformation and their monitoring of the implementation of the Code of Practice.

The **14th ERGA plenary meeting**, held on 3 December 2020 as a digital conference, adopted the ERGA Memorandum of Understanding⁹⁰. Under the MoU, national regulatory authorities agreed on common principles and rules on how to ensure the cross-border enforcement of media rules on audiovisual media services and video-sharing platforms. It was adopted by ERGA members and by the national authorities of the European Economic Area, Norway, Iceland, and Liechtenstein.

The ERGA Memorandum of Understanding is a testimony of audiovisual regulators' convergent will to take joint action and work towards a democratic climate and a level playing field in the media sector. It provides ERGA members with a new instrument to overcome the challenges of an increasingly convergent and borderless media environment.

In the debate on how to tackle disinformation, ERGA welcomed the European Commission's European Democracy Action Plan⁹¹ and the Action Plan to support recovery and transformation of the media and audiovisual sectors⁹².

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Participation to the Contact Committee for implementing the Audiovisual Media Services Directive

The meeting of the Contact Committee for implementing the AVMSD, held in late September 2020, discussed primarily the transposition of the AVMS Directive and the obligations of Member States concerning the adoption of national legislation under the AVMSD.

The meeting was opened by Director of Media Policy at DG CNECT, Giuseppe Abbamonte who stressed that it was a historical moment as the official deadline for transposing the revised Audiovisual Media Services Directive (AVMSD) had just passed. He highlighted the three important cornerstones of the Directive: the increased obligations to promote European works for on-demand services, the extension of certain audiovisual rules to video-sharing platforms (VSPs) and independence of audiovisual regulators.

Mr Abbamonte noted that the EC paid particular attention to the correct implementation of these provisions and continued to be at the disposal of Member States in the process. He recognised

⁹⁰ https://erga-online.eu/wp-content/uploads/2020/12/ERGA_Memorandum_of_Understanding_adopted_03-12-2020_1.pdf

⁹¹ https://ec.europa.eu/commission/presscorner/detail/en/ip_20_2250.

⁹² https://ec.europa.eu/commission/presscorner/detail/en/ip_20_2239.

the particularly important role of ERGA in assisting with the consistent implementation of the AVMSD, by means of exchanging of information, sharing best practices and issuing opinions. He emphasised the importance of the Memorandum of Understanding addressing challenges relating to the cross-border enforcement of some provisions of the AVMSD and other documents currently developed by ERGA.

The EC gave a brief explanation on how it monitors the transposition and implementation of Directives, and stressed the importance of drawing a clear line between infringements for failure to notify national transposition measures and infringements for non-conformity. The EC aims at completing the transposition check within six months after the transposition deadline expires. Conformity checks to assess whether the MSs' national transposition measures are in line with the requirements of AVMSD will be completed 16 to 24 months from the date of the communication of the national transposition measures.

The delegations of Member States gave an update on their state of transposition and informed the EC on their planned activities, timeframes and challenges associated with the process.

The Contact Committee also discussed the guidelines for implementing the AVMSD developed by the EC, whose representatives presented the main recommendations concerning the interpretation, transposition and implementation of AVMSD by Member States.

The EC gave a presentation summarising the two different sets of guidelines adopted in July 2020. Regarding the “essential functionality”/VSP guidelines⁹³, the EC discussed the four main categories of indicators: (1) relationship between the audiovisual content and the main economic activity or activities of the service; (2) quantitative and qualitative relevance of audiovisual content for the activities of the service; (3) monetisation or revenue generation from the audiovisual content; and (4) availability of tools aimed at enhancing the visibility or attractiveness of the audiovisual content.

Concerning the guidelines on the calculation of the share of European works in providers' video on-demand catalogues and on the definition of low audience and low turnover⁹⁴, the EC explained the chosen method of calculating European works (according to the number of titles in the catalogue), the starting point for establishing the threshold of low turnover and low audience.

The meeting also discussed setting up a centralised database of the media service providers at the EU level and the corresponding obligations of Member States. The EC presented their plans for the centralised database and listed the activities the MSs must undertake under the AVMS Directive in terms of communicating the lists of media service providers under their jurisdiction to the EC. The EC must make them available in a centralised database, ensure that NRAs or bodies have access to that database. Already during the legislative process, the publicly accessible MAVISE database⁹⁵, managed by the EAO, emerged as a right candidate to implement the obligation.

The meeting ended by mentioning the plans concerning the guidelines on the scope of reports on the implementation of the obligation to promote and take measures for the development of media literacy skills. The EC reminded that such reports are due, first, by 19 December 2022 and then every three years thereafter.

⁹³ Communication from the Commission Guidelines on the practical application of the essential functionality criterion of the definition of a 'video-sharing platform service' under the Audiovisual Media Services Directive
https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2020.223.01.0003.01.ENG&toc=OJ:C:2020:223:TOC

⁹⁴ Communication from the Commission Guidelines pursuant to Article 13(7) of the Audiovisual Media Services Directive on the calculation of the share of European works in on-demand catalogues and on the definition of low audience and low turnover 2020/C 223/03
https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2020.223.01.0010.01.ENG&toc=OJ:C:2020:223:TOC

⁹⁵ <https://mavise.obs.coe.int/>

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Participation to the work of the European Platform of Regulatory Authorities – EPRA⁹⁶

The AEM representatives took part in a number of events organised by EPRA in 2020 in virtual setting.

The spring meeting scheduled for taking place in Antwerp was cancelled and replaced by a virtual session held in May and June 2020 and discussed the understanding of key market trends in COVID-19 times, and gambling and betting advertising, together with a podcast on medial pluralism in the age of algorithms⁹⁷.

Given that the autumn meeting originally intended to be held in Rotterdam was also cancelled, EPRA continued with online sessions. Particularly interesting was a series of roundtable discussions on media literacy held in September and October 2020. Three online events, entitled “Media Literacy networks: Learning from each other”, build on the EPRA work of the past years. The three meetings aimed at exchanging ideas and best practices regarding media literacy networks, from their creation, their structure and operation, to their evaluation and performance.

The webinars held in October 2020 focused on the changing paradigm of media regulators, and the relation between regulators and citizens.

EPRA adopted its Strategy for 2021 to 2023, aimed to help EPRA members operate in an environment characterised by rapid technological development, new regulatory framework conditioned by the revised AVMS Directive, the economic crisis and the COVID-19 pandemic. It also recognised some emerging challenges for the sector, such as embracing the complexity of online media ecosystems, documenting changes in consumption patterns and audience behaviour, ensuring a sustainable audiovisual sector, regulator independence, and implementing EU legislative changes.

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JUFREX 2 project implementation

Through various remote meeting formats, AEM representatives actively contributed to the Council of Europe’s project **Reinforcing Judicial Expertise on Freedom of Expression and the Media in South-East Europe (JUFREX)**, launched with the aim of improving the freedom of expression and media freedoms in line with the Council of Europe and European Union standards. The project is implemented under the Horizontal Facility for the Western Balkans and Turkey 2019–2022 (**Horizontal Facility II**)⁹⁸. Apart from the regional component, the project is linked with six individual JUFREX projects implemented in the participating countries: Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia.

Under the regional component, on 3 July 2020 a virtual roundtable discussion was held on the topic of **“Elections, Pandemic and Disinformation”**. On the occasion it was proposed, and JUFREX supported the idea, to develop a study on political campaigning issues. Following the event conclusions, the study on the **“Regulation of Political Advertising: A comparative study with**

⁹⁶ European Platform of Regulatory Authorities (<http://www.epra.org>). 52 regulatory bodies from 46 countries are members of EPRA. The European Commission, the Council of Europe, the European Audiovisual Observatory and the Office of the OSCE Representative on Freedom of the Media are permanent observers of the platform. EPRA holds two meetings a year.

⁹⁷ <https://www.epra.org/events/epra-podcast-season-1-ep-1-media-plurality-in-the-age-of-algorithms>

⁹⁸ <https://pjp-eu.coe.int/en/web/horizontal-facility/home> - the Horizontal Facility of the European Union / the Council of Europe for the Western Balkans and Turkey (the Horizontal Facility II) 2019-2022 is a joint initiative of the EU and the CoE for the Western Balkans and Turkey. Phase 1 included various beneficiary-specific and regional initiatives and lasted from 2016 to 2019. Phase 2 (worth EUR 41 mil., lasting 36 months, starting in May 2019) will build on the results of Phase 1 and extend to new topics of key relevance for the Western Balkans and Turkey, such as freedom of expression and media. Phase 2 includes actions in Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia and Turkey.

reflections on the situation in the Southeast Europe”⁹⁹ was developed, dealing with political campaigns and advertising through the lenses of media regulators. The study also offers guidance in line with European standards and best practices in the field.

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Technical Assistance to Public Service Media in the Western Balkans (PSMWB)

The AEM representatives were actively involved in the continued implementation of the regional project on “Technical Assistance to Public Service Media in the Western Balkans” (PSMWB), funded by the EU, and implemented by a consortium of organisations headed by the International Federation of Journalists (IFJ), involving also the European Broadcasting Union (EBU), the European Federation of Journalists (EFJ), the Austrian public broadcaster ORF, the Balkan Investigative Reporting Network (BIRN), and the Office of the Eurovision News Exchange for South-East Europe (ERNO).

The regional meeting focusing on management, regulation and financing of public broadcasters in the Western Balkans was held on 28, 29, and 30 January 2020 in Belgrade, Serbia. The meeting was attended by five key stakeholder groups from each participating country, including managements of national public service media and their governing bodies, representatives of national parliaments, media regulators and relevant NGOs.

Over the first two days the discussion focused on the selection of managerial/supervisory bodies and directors general in the six Western Balkans’ public broadcasters, and the relations between parliaments, regulators and managerial bodies of public broadcasters. The situation was contrasted against the best EU practices, presented by the EBU experts in the document entitled “Joint Principles of Managing Public Media Services in the Western Balkans”.

On the third day, the work initiated on the previous regional meeting in Sarajevo in May 2019 with the document “Joint Principles in Funding Public Media Services in the Western Balkan” continued. Given that EBU experts developed a new document “**Implementation Guidelines for Joint Principles in Funding Public Media Services in the Western Balkan**”, the meeting discussed key challenges in financing.

Following the adoption of these documents, groups to monitor and evaluate the application of the above principles were set as a next step in their implementation.

The European Union – Montenegro Stabilisation and Accession Parliamentary Committee (SAPC) held its 18th meeting in Podgorica on 25 and 26 February 2020. Within the Declaration and the conclusions adopted¹⁰⁰, SAPC encouraged Montenegro to implement the Regional Common Principles on public service media funding and governance, which were adopted by representatives of parliaments, regulatory authorities, top management from public service media, their 6 governing bodies and civil sector from the Western Balkans in Sarajevo (2019) and Belgrade (2020).

Following the pandemic outbreak, the activities within this project were revised to adapt to the virtual format in order to ensure continued communication and sharing of information relevant for the work of public broadcasters in the new circumstances.

⁹⁹ <https://aemcg.org/wp-content/uploads/2021/02/Regulisanje-politickog-oglasavanja.pdf>

¹⁰⁰ https://www.europarl.europa.eu/cmsdata/197459/18th-EU-MNE-SAPC_Recommendations_final_26022020.pdf

PUBLICITY AND BETTER AEM PERFORMANCE

Under the Law on Free Access to Information, in 2020 AEM received the total of **four** requests for accessing information. Detailed information about the requests and pertinent AEM decisions are given in **Appendix 1 - An overview of received requests for accessing information**.

In terms with the Law on Free Access to Information (FAI Law), AEM posts information proactively (Art 12 FAI Law) and submits the documents and information for the information system allowing access to information.

The AEM webpages make it possible to access the following categories of documents **“in three clicks”**: excerpts from registers and records, plans and reports, public procurement, list of staff, list of public officials, and the payslips for their salaries and other income in reference to holding the public office, the decisions allowing access to information, etc.

*Guide for Accessing Information held by the
Agency for Electronic Media
(ref.no. 02 – 1438 of 31 December 2020)
available at the AEM webpages
www.aemcg.org*

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Regular and timely posting and updating of information on AEM webpages is an important tool for ensuring transparency.

In 2020 the total of 445 new active documents were posted. Taking into account the replacement of the documents already posted online with their updated or consolidated versions and adding documents to the homepage, **the total number of postings was 496**.

Static documents containing particulars about AEM itself, the AEM Council and various broadcasters were updated, as needed.

The AEM webpages www.aemcg.org had 23,739 visits, or a monthly average of 1,978. The largest number of visits was recorded in December (2,823), and the lowest in May 2020 (1,710).

There were 23,739 unique visitors in total, out of them 76.6% or 18,147 from Montenegro. The Windows platform accounted for 33%, Android for 49.6% and Apple iOS for 14.3%. The reminder of approx. 3% refers to Macintosh and Linux platforms.

Comparing the number of page views (90,446) with the number of visitors, an average visitor in 2020 viewed close to 3.8 pages per one visit, stayed about 50 seconds at each page, and 2 minutes and 5 seconds on the AEM website in total during each visit.

According to its Rules of Procedure, the AEM Council’s sessions are public. Unable to provide the required conditions, and in an attempt to observe the mandatory measures for preventing the spread of the coronavirus for businesses and members of the public passed by the Public Health Institute, between March and December 2020 its sessions were closed for the public. Nevertheless, not disregarding its public duty and following the well-established practice, the AEM Council kept the public informed of its activities and the decisions made through the AEM webpages, including posting the minutes from their sessions.

With a view to step up its communication efforts, AEM opened its social media accounts.

AEM set up its Facebook on 01 May 2020. From that moment until 31 December 2020, it had 46 postings in total, having the reach of 401 users, and 284 likes. The gender breakdown of the users who gave a positive opinion of the AEM FB profile was 68% women and 32% men.

As regards the age breakdown, the age group 17-24 does not seem to show an interest in the work of AEM, given that they account for a mere 1.1% of all visitors. The bulk of visitors come from the 25-54 age group (86.5%), while the remainder of 12.4% is accounted for by the visitors above 55 years of age.

As regards the geographic distribution, the bulk of visitors are from Podgorica (64.8%), followed by Bar with 4.9% and Nikšić with 3.9%.

AEM has also its Twitter account. In 2020 it posted 46 tweets, which generated 29,000 impressions. The three most popular postings had over 1,000 impressions each, while all postings together were liked 95 times, retweeted 17 times, and the visitors clicked 27 times the links within postings.

In 2020 the AEM's Instagram account had the total of 46 postings reaching 425 users, 62.5% of them women, and 37.5% men. The youngest age group (13-24) accounted for 6.6% visitors, the age group 25-54 for 89.3% while the oldest age group (over 55) with 4.1%.

In terms of the geographic distribution, the Instagram account had the largest share of visits from Podgorica with 61.7%, followed by Nikšić with 5.4% and Bar with 2.8%.

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In 2020, the total of 30 articles and 37 new photos were posted on the **media literacy webpages (www.medijskapismenost.me)**. The total of 26 videos were posted on the YouTube channel. **The website had the total of 1,976 visits or on average 140 a month.** The largest share of visits was recorded in March (313), and the lowest in August (84).

Over the whole year there were in total 1,625 unique visitors, 41.2% of them or 670 from Montenegro. The Windows platform accounted for 43.5%, Android for 41.3% and Apple iOS for 9.2%. Other platforms put together account for 6%.

Comparing the number of page views (6,223) with the number of visitors, in 2020 the average visitor perused 3.9 pages during a single visit, staying on average 1 minute and 37 seconds on the website.

In parallel with the media literacy webpages, the Facebook and Instagram profiles were set up. Due to technical issues for the considerable part of 2020 the media literacy social profiles were inactive.

The total of 23 posts were posted on the Media Literacy Facebook profile, reaching 9,436 users and 2,195 likes. Among the users who gave a positive opinion of the project profile, 73.7% were women, and 26.3% men.

The age breakdown of visitors shows 5.8% of visitors were in the age group 13-24, 81.9% in the age group 25-54, and 12.3% were above the age of 55.

Territory-wise, the bulk of visits came from Podgorica (56.2%), followed by Nikšić with 6.6% and Bar with 4.5%.

There were in total 17 posts on Instagram having 1,514 visitors. There were approx. 1,000 followers, out of which 72.4% women, and 27.6% men.

Given that Instagram is mainly used by younger people, it comes as no surprise that the age group 13-24 was present much more than in the case of the Facebook account (20.4%). The age group 25-54 accounted for 70.4% visitors, while there were very few of those above 55 years of age, as little as 3.2%. Again, the bulk of visits came from Podgorica (54.1%), followed by Nikšić with 4.7% and Bar with 3.3%.

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Improved monitoring through signal transfer to remote locations in Montenegro

In order to put in place the assumption for pursuing AEM's statutory responsibilities and powers concerning monitoring over the adherence to programme standards and stipulations of the broadcasting licences, in 2020 the stage one of transfer of broadcasters' programme content, primarily of radio signals, to the monitoring system in Podgorica was carried out.

Following the selection of proper equipment for receiving remote radio programmes and their distribution to Podgorica, an appropriate and efficient signal transfer system has been selected in terms of its cost-effectiveness and planned appropriation for this purpose. Care was taken particularly to ensure compatibility of the solution with the intended purchase of software for recording and analysing programme content of broadcasters. Finally, the whole effort is intended to increase the efficiency of the monitoring system through a degree of automation.

In terms of the distributions system, we opted for the online distribution. It has been estimated that the provisions of an autonomous distribution system by AEM, and renting space as well as network capacities from electronic communication operators would require substantial funding exceeding by far the planned allocation for the activity. The solution that was ultimately chosen implies that each site is to be equipped with a modem to access mobile operator networks through 4G technology, enabling effective connection to the reception device at the Monitoring Department in Podgorica. In 2020 it was installed in three remote sites in Montenegro, specifically in Herceg Novi, Bar and Berane. This enabled the reception of eight radio programmes which were not available for direct reception in Podgorica.

Substantial scale-up of the system is envisaged in 2021, through adequate choice of reception sites and application of proper technical solutions, to significantly improve the AEM monitoring concerning the possibility to receive, analyse and identify programme contents of radio broadcasters from the whole territory of Montenegro.

Having the system in place is a precondition for successful use of a software for recording and analysing broadcasted programme content. It enables the reception of radio and television signals whose reception is not possible in Podgorica through terrestrial FM radio or digital terrestrial television.

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In 2020 AEM launched the library project. Most prominent among the publications included in the collection is professional and scientific domestic and international literature concerning media, communication, psychology and arts. We intend to furnish the library on an ongoing basis, and increase the library holdings each year.

The aim is to assist research and build knowledge of the AEM staff. Apart from that, AEM will also provide services to improve media and information literacy of its users. It is envisaged as a resource centre for learning and use of all new sources of information, and less as a space to store books and periodicals. It is also intended to make the collections available to students and researchers.

AEM'S 2020 FINANCIAL INFORMATION

The Law on Electronic Media (LEM) stipulates the AEM sources of funding, and the ensuing rights and responsibilities of audiovisual media (AVM) service providers.

Under the Law on Electronic Media, Art 40, at its session held on 20 September 2019, the AEM Council passed the Decision adopting the AEM's 2020 Financial Plan (Decision ref. no. 01-1031/1 of 20 September 2019).

Under Art 32 of the Law on Budget and Fiscal Responsibility, AEM submitted to the Ministry of Finance, within the timeframe stipulated (by 30 September 2018), the 2020 Financial and Work Plan, as well as the document designating the AEM representative to participate in the parliamentary deliberations.

At the 9th session of the second regular (autumn) sitting in 2019, on 27 December 2019 the Parliament of Montenegro passed the Decision adopting the AEM's 2020 Financial and Work Plan (Official Gazette of Montenegro 74/19).

To help ensure continuity of operation in the COVID-19 context, the AEM Council passed the decision to relieve the commercial and public broadcasters of the second and fourth quarterly broadcasting fee payment in 2020, as well as to relieve the broadcasters transmitting the programme contents under the remote learning "Uci doma" campaign of the 2020 broadcasting fee altogether¹⁰¹.

In 2020 AEM had the total revenues of €917,851.19, and the expenditures of €744,578.56, which leaves the positive balance of €173,272.63.

The actual collection rate of broadcasting fees was 60.18%, while the collection rate for the fee for provision of on-demand AVM services was 99.93%, showing these to be stable sources of revenues for AEM in 2020.

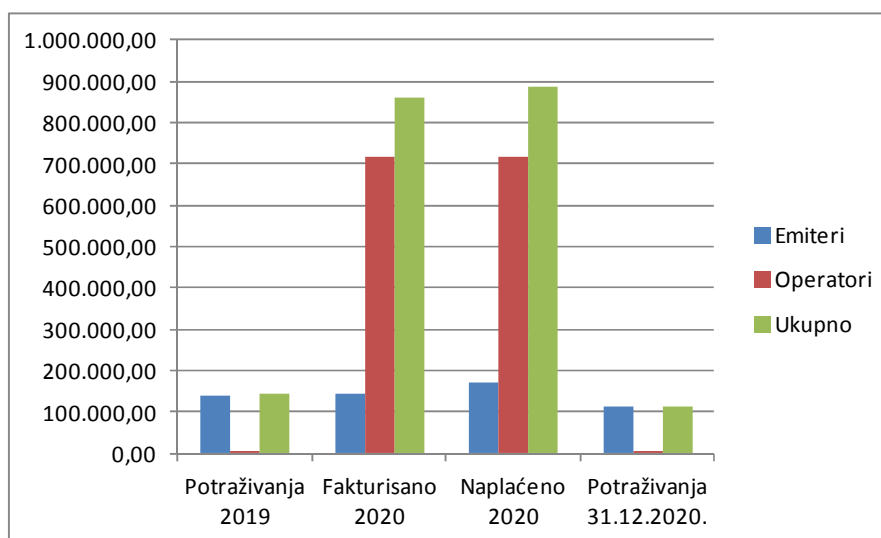


Figure 25. Breakdown and collection rates for revenues based on licences issued

Based on the balance sheet on 31 December 2020, total assets amounted to €2,147,471.63. Fixed assets of €71,193.98 make up 3.3% of total assets, and consist of intangible (9.3%) and tangible assets (90.7%).

Operational assets in the amount of €2,076,277.65 make up 96.7% of total assets and include short-term receivable (2.1%) and cash and cash equivalents (97.9%).

Total receivables carried over from 2019 amounted to €70,980.94, while total receivables on 31 December 2020 amounted to €43,193.76. Out of the total amount, €28,495.36 are receivables from broadcasters and on-demand AVM service providers (KDS/MMDS/IPTV/DTH operators) with

¹⁰¹ Decisions of the AEM Council ref. nos. 01-279/3 of 20 March 2020, 01-1191/1 of 11 December 2020 and 01-1216 of 17 November 2020).

adjusted value, €13,475.81 are receivables from state authorities on the account of refunds and deposits for maestro business card amounting to €1,222.59.

The total turnover on the business account in 2020 was €2,784,161.24, petty cash €1,256.72 and the foreign currency account €13,070.12.

Total liabilities amount to €2,147,471.63. AEM's capital equals €2,088,757.20 and includes:

- capital assets €540,691.04,
- undistributed profit from previous years €1,374,793.53 and
- undistributed profit from the current year €173,272.63.

In 2020 the undistributed profit from previous years was reduced by €30,000. In response to an appeal by the Government of Montenegro, given the COVID-19 situation, to show responsibility, solidarity and join forces to preserve health and purchase the required medical and protective aids, the AEM Council approved the appropriation of €30,000 from the undistributed profit from previous years for the purchase of lung ventilators or other medical equipment needed for outbreak containment or treatment of COVID-19 patients (AEM Council Decision ref.no. 01-279/4 of 20 March 2020).

On 31 December 2020 the long-term provisioning amounted to €26,781.45 and include provisioning under IAS 19 – Employee benefits, with the calculations made by a certified actuary on 08 February 2021, where €14,900.79 refer to provisioning for jubilee benefits, while €11,880.66 refer to provisioning for retirement benefits.

In 2020 provisioning decreased for the net amount of €940.55 (€1,024.78 gross) on the account of one jubilee benefit granted for 20 years in service (Decision ref.no. 02-586 of 08 July 2020).

AEM's total short-term liabilities amount to €31,932.98 €, out of which €16,800.10 refers to received advance payments from buyers, €12,262.40 for the Assistance Fund for Commercial Radio Broadcasters, and €2,870.48 liabilities towards suppliers.

By the AEM Council's decision, the funds were diverted from the Assistance Fund for Commercial Radio Broadcasters to AEM operational funding, earmarked for the promotion of media literacy efforts (Decision ref.no. 01-1437 of 24 December 2019).

Comparing the liabilities with the operational assets of €2,076,277.65 AEM is seen as solvent, i.e. its liquidity has at no point been brought into question.

The table below shows key performance indicators in reference to the plan:

<i>January - December 2020</i>			
Type of revenues	Planned	Realised	Index
Registration fee	-	42.34	-
Broadcasting fee	340,650.00	146,390.07	42.97
Fee for provision of on-demand AVM services	681,330.00	715,310.19	104.99
Other business revenues	-	53,462.76	-
Financial income	-	2,645.83	-

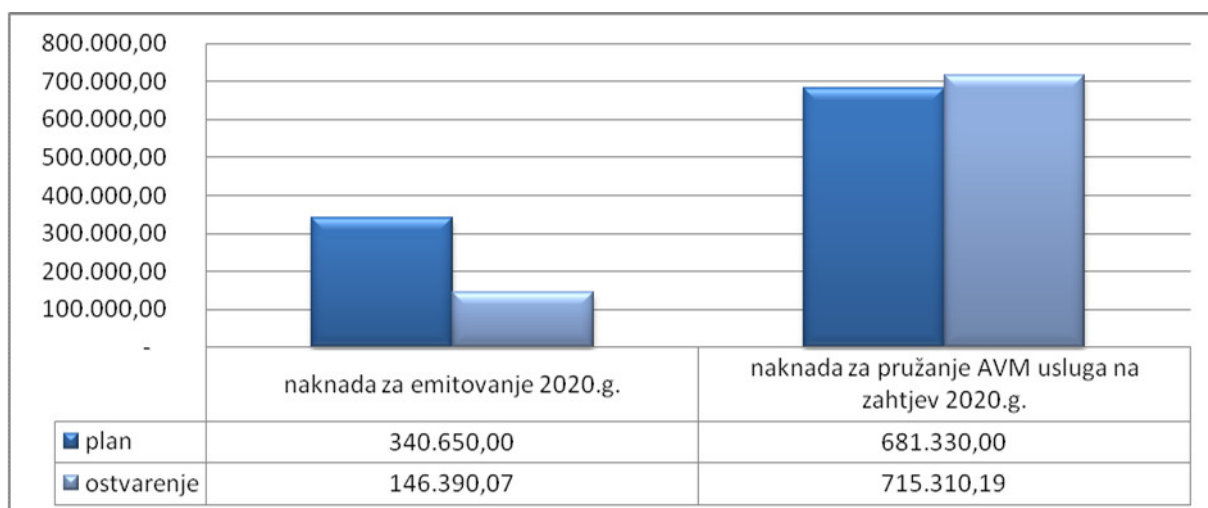


Figure 26.: An overview of actual revenues and comparison with the plan for 2020

Comparison between the actually realised revenues against the plan in 2020 shows that the actual collection of broadcasting fee revenues stands at 57.0% below the plan, while the actual collected revenues from the fee for on-demand AVM service provision exceeded the plan by 5%. This refers to the revenues for AVM service fees billed in 2020. The deviations in collected broadcasting fee revenues are caused by the decision to relieve commercial and public broadcasters of a share of their 2020 broadcasting fees (Decisions ref. nos. 01-279/3 of 20 March 2020, 01-1191/1 of 11 December 2020 and 01-1216 of 17 November 2020).

The table below shows key performance indicators in reference to the plan:

January - December 2020

Type of expenditures	Planned	Realised	Index
Gross staff salaries	524,348.00	459,307.45	87.60
Gross remuneration for Council members	89,357.00	82,338.69	92.15
Other income and remunerations	31,200.00	26,073.60	83.57
Business travel and membership fees to international organisations	23,000.00	7,109.90	30.91
Supplies and services costs	58,000.00	36,635.97	63.17
Assets maintenance costs	15,500.00	7,560.85	48.78
Other business expenses	216,300.00	53,634.57	24.80
Provisioning cost	-	6,774.19	-
Cost of recalculating the value of receivables	-	47,239.71	-
Interest subsidies	10,000.00	-	-
Depreciation	25,000.00	17,903.63	71.61
Reserves	29,031.00	-	-

More detailed information on AEM's financial performance in 2020 is available in the AEM'S 2020 FINANCIAL PERFORMANCE REPORT, available at www.aemcg.org.

DIRECTOR

Goran Vuković

Appendix 1 – An overview of received requests for accessing information

Requesting party/ Requested information	AEM decision
<p>1. NGO Centre for Civic Education, 22 June 2020.¹⁰² / the following information/documents:</p> <ul style="list-style-type: none"> - Copies of all contracts concluded with media outlets, public relations agencies, public opinion polling agencies and production companies that AEM hired between 01 January 2018 and 31 December 2019 used as a basis for payments (copies of such contracts or detailed information of the contracted parties and the exact scope of contracts); - Copies of contracts stipulating the amounts paid by AEM to the above entities in 2018 and 2019 (between 01 January 2018 and 31 December 2019) and the type of service as stipulated in the contracts; - A copy of the financial statements for payments to the above entities made beyond the scope of the respective contracts, stipulating the grounds for such transactions and the amounts paid; - Copies of contracts with any other entities through which AEM was buying space in the media or making payments to the media and journalists in other indirect ways with exact amounts and cost breakdowns. 	Granted
<p>2. NGO MANS, 18.08.2020.¹⁰³ / information/documents concerning the copies of received programme broadcasting records under the Rulebook on the Rights and Responsibilities of Broadcasters during the Election Campaign for the Parliamentary Elections held on 30 August 2020.</p>	Granted
<p>3. NGO MANS, 14.09.2020.¹⁰⁴ / information/documents concerning the copies of received programme broadcasting records under the Rulebook on the Rights and Responsibilities of Broadcasters during the Election Campaign for the Parliamentary Elections held on 30 August 2020.</p>	Granted
<p>4. NGO MANS, 08.12.2020.¹⁰⁵ / information/documents concerning the copies of received programme broadcasting records for TV Pink M ('Pink Media M' d.o.o.) under the Rulebook on the Rights and Responsibilities of Broadcasters during the Election Campaign for the Parliamentary Elections held on 30 August 2020.</p>	Rejected on the grounds of not holding the requested information
<p>5. NGO MANS, 08.12.2020.¹⁰⁶ / information/documents concerning the copies of received programme broadcasting records for Srpska TV (Društvo za ravnopravnost i toleranciju) under the Rulebook on the Rights and Responsibilities of Broadcasters during the Election Campaign for the Parliamentary Elections held on 30 August 2020.</p>	Rejected (the requesting party had already been given access to the requested information by the AEM Decision ref. no. 02-1008/1 of 28 September 2020, thus making it superfluous to provide one and the same information/document again)
<p>6. NGO MANS, 08.12.2020.¹⁰⁷ / information/documents concerning the copies of received programme broadcasting records for Prva TV (AST d.o.o.) under the Rulebook on the Rights and Responsibilities of Broadcasters during the Election Campaign for the Parliamentary Elections held on 30 August 2020.</p>	Granted

¹⁰² AEM Decision ref. no. 02-501/1 of 06 July 2020

¹⁰³ AEM Decision ref. no. 02-811/1 of 31 August 2020

¹⁰⁴ AEM Decision ref. no. 02-1008/1 of 28 September 2020

¹⁰⁵ AEM Decision ref. no. 02-1282/1 of 22 December 2020

¹⁰⁶ AEM Decision ref. no. 02-1283/1 of 22 December 2020

¹⁰⁷ AEM Decision ref. no. 02-1284/1 of 22 December 2020