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slobode medija i bezbjednosti novinara
Western Balkan's Regional Platform for Advocating
Media Freedom and Journalists' Safety

ANALYSIS OF THE POSITION OF LOCAL PUBLIC BROADCASTERS AND THE RIGHTS OF JOURNALISTS IN MEDIA LAWS OF MONTENEGRO

SUMMARY OF DRAFT VERSION

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Introduction

During the last decade, media freedom in the Western Balkans has worsened. Political and business elites impose various forms of direct and indirect pressures on critically-orientated media and journalists. That is why the Western Balkan's Regional Platform for Advocating Media Freedom and Safety of Journalists was established. It seeks to create favourable legal and social environment for media pluralism in the countries of the region.

The platform was established in January 2016 with the financial assistance of the European Union and within the EU Support to Regional Thematic Networks of Civil Society Organisations Program.

One of the activities within this project is development of the analysis of the position of local public broadcasters and the independence of journalists in media laws of Montenegro.

The aim of this document is to provide the analysis of the media legislative framework in Montenegro, with special emphasis on the position and independence of journalists, as well as the financing and managerial autonomy of local public broadcasters. The analysis also provides recommendations for amendments to the media laws in order to improve the position of journalists and to ensure greater financial and managerial independence of local public broadcasters.

The analysis contains a proposal for concrete amendments to the Law on Media and the Law on Electronic Media as well as Template of Decision on the Establishment of a Local Public Broadcaster for local governments.

This document is based on the analysis of media laws in Montenegro, answers to the questionnaires provided by local public broadcasters, and practices and legislation of the European Union (in particular the Republic of Croatia and Slovenia).

The analysis was done by prof. Sandra Bašić-Hrvatini, PhD and Goran Đurović.

On behalf of the Trade Union of Media of Montenegro
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Prof. Sandra Bašić-Hrvatin, PhD is employed at the Faculty of Humanities, University of Primorska (Koper). She earned her doctorate degree in communication studies at the University of Ljubljana. In her academic and professional work, she focused on media and their significance in development and maintenance of democracy. As an independent expert, she has worked on numerous projects of the European Commission, Council of Europe, OSCE, UN, IFJ and numerous other civil and society initiatives aimed to protect journalists and promote professional journalism. She is a member of the International Press Institute and SEEMO (South East Europe Media Organization). She was a member of number of working groups established for development of regulations in the field of media and journalist ethics.



Goran Đurović is a member of the Council of Radio Television of Montenegro. As a member of working groups formed by the Ministry of Culture, he participated in drafting of the Law on Public Broadcasting Services of Montenegro in 2008 and in drafting of the Law on Amendments to the Law on Electronic Media and the Law on Public Broadcasting Service Radio and Television of Montenegro (RTCG) in 2014-2015. He prepared several analysis on the application of media laws and the functioning of the regulatory Agency and proposals for the improvement of media regulation in Montenegro.

I Position of local public broadcasters in media laws

1. Analysis of local public broadcasters in Montenegrin media laws (Law on Media and Law on Electronic Media) in terms of financial and managerial independence

The position of local public broadcasters in Montenegro is regulated by the Law on Media (Official Gazette of the Republic of Montenegro 51/2002 and 62/2002) and the Law on Electronic Media (Official Gazette of Montenegro 46/10, 40/11, 53/11, 055/16). This regulation passed in 2002 did not undergo any serious changes to date. Law on Media prescribes general provisions governing the obligations of media founder, media distribution, the mandatory disclosure of important information about founders, the rights and obligations regarding provision of information, the right to correction and response, the penal provisions. Article 8 of the Law on Media stipulates that electronic media shall be established in accordance with the law regulating the work of electronic media. Law on Electronic Media regulates all significant issues regarding the establishment, broadcasting, rights and obligations of electronic broadcasters, the establishment and the competences of the Agency for Electronic Media, the Agency's management structures, the supervision of law enforcement, withdrawal of broadcasting licenses and misdemeanour penalties. Article 70 of this Law prescribes types of electronic broadcasters that are classified into commercial, non-profit and public broadcasters.

Article 73 of the Law on Electronic Media stipulates that public broadcasters may be: a national public broadcaster whose founder is the state; a regional public broadcaster whose founders are several local self-governments; a local public broadcaster, whose founder is a local self-government.

Local public broadcasters are obliged to ensure good quality reception of radio and television programs for at least 85% population of the local self-government within whose territory the program is broadcasted (local coverage by a public broadcaster).

The exercise of public interest is prescribed by Article 74 of the Law. Public broadcasters are obliged to produce and broadcast radio and/or television programs with information, cultural, art, educational, scientific, children's, entertainment, sport and other programs ensuring the exercise of the rights and interests of citizens and other entities in the information sector. In order to achieve public interest in the information sector, public broadcasters are obliged to:

- 1) autonomously and independently produce, edit and transmit programs which are not in the service of political, economic or other centres of power;
- 2) objectively and timely inform the public about political, economic, cultural, educational, scientific, sports and other important events in the country and abroad;
- 3) produce and broadcast programs intended for different society groups, without discrimination, especially taking into account specific social groups such as children and youth, members of minority nations and other minority communities, persons with disabilities, socially and health-vulnerable groups, etc;
- 4) foster public communication culture and linguistic standards;

- 5) produce and broadcast programs expressing Montenegrin national and cultural identity, and cultural and ethnic identity of minority nations and other minority communities;
- 6) produce and broadcast programs in languages of minority nations and other minority communities in the areas in which they live;
- 7) during election campaigns, on the basis of special rules, provide equal representation of political parties, coalitions and candidates whose candidacies and electoral lists have been approved;
- 8) mutually cooperate and exchange programs of interest for the citizens of Montenegro.

Article 75 of the Law on Electronic Media prescribes the establishment of public broadcasters, which according to the Law may be established, for the territory of Montenegro (national public broadcasters); by decision of two or more assemblies of local self-governments for their territory (regional public broadcaster); by the decision of an assembly of a local self-government for its territory (local public broadcaster).

Article 76 of the Law stipulates that public broadcasters shall be financed from the budget of Montenegro, that is, the budget of the local self-government and other sources, in accordance with the law and the founding act. The same article stipulates that part of the budget of Montenegro, that is, the budget of the local self-government, will be allocated for financial means for exercising citizens' rights to information, without discrimination, as guaranteed by the Constitution and laws, based on program significant for:

- 1) exercising the right to public information and notifying citizens of Montenegro, exercising rights of minority nations in Montenegro and members of other minority communities, and Montenegrin communities abroad,
- 2) exercising human and political rights of citizens and fostering development of legal and welfare state, and civil society;
- 3) development of culture, science, education and art;
- 4) preservation of Montenegrin national and cultural identity, and cultural and ethnic identity of minority nations and members of other minority communities
- 5) encouraging cultural creativity;
- 6) informing persons with hearing and visual disabilities.

Also, Article 76 of the Law stipulates that part of financial resources from the budget of Montenegro i.e. budget of the local self-government unit, shall be provided for programs in Albanian and Roma languages.

The Government, i.e. the local self-government and the public broadcaster, regulate contractually mutual rights and obligations related to the use of budget funds that have to be defined within the contract - in a manner that corresponds to the real costs necessary for the fulfillment of obligations established by law.

Article 76 of the Law on Electronic Media stipulates that manner and conditions for the provision of funds must not affect the editorial independence and autonomy of a public broadcaster.

Article 77 of the Law defines the governance bodies of public broadcasters, which are council of a public broadcaster and director. The same article stipulates that the founding act of a public broadcaster shall prescribe the manner of appointment, election, decision-making and competences of the council and director, and other issues relevant for operation of a public broadcaster.

Article 78 of the Law stipulates that a public broadcaster's council represent interests of citizens of Montenegro, i.e. local self-government on whose territory its radio and/or television programme is broadcasted. The same article stipulates that public broadcaster's council is functionally independent from any state authority, as well as from all legal and natural persons involved in the production, transmission and broadcasting activities of the radio and television program or related activities. The national public broadcaster's council may have up to nine members, and in the case of regional or local public broadcasters, up to five, provided that number of council members is odd.

2. Key problems related to the functioning and election of members of local public broadcasters' councils as well as financing

- The Law on Electronic Media foresees the financing of public broadcasters from the state budget and budgets of local self-governments. This regulation does not establish the obligation to determine the minimum amount of a part of the general budget. This should be regulated by the law (in the case of the state public broadcaster) and the founding decisions (in the case of local public broadcasters).
- Without legal establishment of this obligation within the Law on Electronic Media – obligation to determine within the law on national public broadcasting service and local self-governments decisions on establishment of local public broadcasters the minimum amount of a part of the general budget for realization of the public interest – opportunity for public broadcasters to fulfil their role in a society is reduced. The problem of the financial sustainability of the national public broadcaster Radio and Television of Montenegro (RTCG) is significantly reduced due to 2016 amendments of this law when the obligation to finance RTCG from the budget of Montenegro was established. RTCG will receive funding for the realization of the basic activities from the Budget of Montenegro at the annual level of 0.3 percent of GDP (Gross Domestic Product), the estimate of which shall be determined by the Government through adoption of macroeconomic and fiscal policy guidelines (Law on National Public Broadcaster Radio and Television of Montenegro, Official Gazette of Montenegro, No. 079/08 from 23/12/2008, 045/12 from 17/08/2012, 043/16 from 20/07/2016, 054/16 from 15/08/2016). There is no similar provision in decisions on the establishment of local public broadcasters, so problems regarding sustainability of local broadcasters are very evident. If financing of local public broadcasters is regulated and depends only on the contract between a local self-government and public broadcaster, than it is highly insecure since

the amount will vary from one situation to another and it depends exclusively on the will of local government authorities. Directive 2010/13/EU of the European Parliament and of the Council (Audiovisual Media Services Directive) foresees the obligation of establishment of an effective, sustainable financing of public services in order to avoid political impact on their work. In the previous period, various local self-government practices regarding financing of local public broadcasters can be noticed. They are conditioned by the size of the budget of local governments, but also by the type of a broadcaster (radio or television).

Table 1: Budget and allocations for public broadcasters in the period from 2015 to 2017¹

Municipality	2017			2016			2015		
	Municipal budget	LPB ² budget	Percentage in relation to the budget	Municipal budget	LPB budget	Percentage in relation to the budget	Municipal budget	LPB budget	Percentage in relation to the budget
Berane	7.480.000	100.000	1,4%	6.673.500	100.000	1,5%	10.453.174	110.000	1,1%
Tivat				18.217.000	219.630	1,21%	18.548.651	268.637	1,45%
Budva		700.000	1,89%	39.976.000	620.000	1,55%	34.388.271	580.000	1,69%
Rožaje	6.505.000	175.000	2,69	7.050.000	155.000	2,20%	7.757.341	140.000	1,80%
Kotor		160.000	0,78%	18.217.000	130.000	0,71%	18.548.651	110.000	0,59%
Herceg Novi		200.000	0,99%	17.125.000	200.000	1,17%	11.209.232	200.000	1,78%
Pljevlja				19.260.865	241.000	1,25%	11.070.160	237.000	2,14%

- Managerial independence of a public broadcaster depends on the structure of members of the highest governing body and procedures for their election. If members of a public broadcaster's council are appointed by organizations or institutions that are influenced by political parties, executive bodies or economic centres of power, than a significant space for influencing the editorial policy of a public broadcaster is provided. Council of public broadcaster influenced by political centres of power will, by the rule, elect for a director a person who will serve as a transmitter of political interests. LPB's council members are mainly representatives of public institutions founded by local self-governments and financed from local self-governments budgets. According to data obtained from local public broadcasters, in all LBP's, majority of councils' members are representatives of local or state public institutions. In this situation, the influence of political parties which exercise power on the work of a public broadcaster is likely to occur, because

¹ Data were obtained from directors and editors in chief of local public broadcasters. Trade Union of Media of Montenegro sent the questionnaire to the e-mail addresses of all LPBs and the answers were provided by seven of them – data they sent are presented in the table.

² Local Public Broadcaster

representatives of public institutions follow the policy of those who appointed them, who are again, in a direct subordinate position through the system of financing from the local or state budget. The principle of financial dependence that applies to public institutions and public enterprises can also be applied to civil society organizations that are dominantly (over 50%) financed from the state or local self-governments budgets. Non-governmental organizations whose primary (very often and only) source of project financing are local governments budgets are subject to the influence of government representatives, and thus, through members appointed by such organizations, influence on the election of a director can be made i.e. on the editorial policy of a public broadcaster.

3. Comparative experiences and overview of financing models and election of management structures (councils) of local public broadcasters - examples of good practices

The EU does not have a unique model that could be applied on the establishment, management or funding of public media. We can say that there are as many models as there are Member States. Each of these models is based on certain standards formalized in the Amsterdam Protocol and the Communication on application of state aid rules, which are presented in detail in the next chapter. There is also no unique model for securing media pluralism (its geographical dimension) at the regional and local level. Already on the case of establishment of such broadcasters, we can see that local public broadcasters currently operating in Montenegro are special cases unrecognised in the EU.

It is clear that local and regional public broadcasters in Montenegro must be legally and formally treated as public media at the national level. This means that a special decision of the local community (in the same manner as prescribed by the law regarding RTV Montenegro) should clearly define the status, method of appointing council members (adjusted to the local level), and the manner of control on the fulfilment of program objectives in relation to the public funds spending. The responsibility of local and public broadcasters must be identical to the responsibilities of the national public broadcaster, which includes the quality of program, professionalism and transparency in spending of the public funds.

4. Recommendations for improvement of legislation regarding election of council members and financing of local public broadcasters

Financing of local public broadcasters:

- The Law on Electronic Media does not prescribe the obligation of local self-governments to establish local public broadcaster. Therefore whether a local public broadcaster will be established or not depends only on the will of a local self-government. On the other hand,

if a local self-government estimates that it is necessary to establish a local public broadcaster, it is necessary to ensure its financing but in a way to provide as much independence as possible. It is necessary to prescribe, within the Law on Electronic Media, obligation for local self-governments, which establish local public broadcaster, to determine in the establishment decision, adopted by the local assembly, the minimum amount of the general annual budget which will be directed for financing of a local broadcaster in order to achieve public interest specified by the law. Thus, protection and smooth functioning of a local public broadcaster will be increased, and will not depend on the assessment and needs of political parties in power. Only secured and known in advance minimum funds for achieving mission of a public broadcaster will ensure high level of independence and respect of professional standards. It is important to note that the introduction of the minimum amount (percentage) of the general annual budget of local self-government is only a guarantee that the local broadcaster will be able to function smoothly, and, if circumstances allow, the additional public funds, for achieving the greater public interest, can be envisaged through a contract of a public broadcaster and a local self- government.

- In the Law on Electronic Media, it is necessary to add a separate chapter that would prescribe the content of decisions made by local assemblies, which are in charge for establishment of a local public broadcaster. Thus uniformity in regulating this issue in all local governments will be ensured. Additionally, this would facilitate the supervision of the Agency for Electronic Media regarding fulfilment of the legally prescribed obligations of public broadcasters.

Election of members of local public broadcasters' councils

- In the Law on Electronic Media it is necessary to prescribe which organizations can propose members of a public broadcaster's largest managing body. It is necessary to affirm the experiences from the Law on National Public Broadcaster RTCG. RTCG Council members are mostly proposed by civil society organizations. It is necessary to further improve the solutions from the Law on National Public Broadcaster RTCG and to prescribe by the Law on Electronic Media that CSOs that are not dominantly funded from the state or local self-government budgets (over 50% of the annual budget in the previous 3 years) can propose members of councils of local public broadcasters. Organizations that meet these most important criteria (non-governmental organizations, trade unions, sports organizations, employers' organizations, etc.) are more likely to propose candidates who will follow the interests of the public, not political or economic centres of power. Good practice from the national level and the Law on National Public Broadcaster RTCG should be transferred to local level. It is desirable to have in a council a member from union organizations, which participate in the work of the Social Council. If we keep the current model in which local councils'

members are selected from the state or local public enterprises and public institutions, then we cannot discuss about editorial independence. Only a sufficiently independent public broadcaster's council can choose a director who will take into account needs of the community, and not of the political parties, which appoint the responsible persons and manage public institutions and public enterprises.

II. Rights of journalists in media laws

1. Analysis of the independence of journalists from governing structure in the Law on Media and other regulations

The position of journalists and their rights and obligations as well as protection from the influence of management structure and advertisers are not specifically regulated by the Law on Media (Official Gazette of the Republic of Montenegro 51/2002 and 62/2002) and the Law on Electronic Media (Official Gazette of Montenegro 46/10, 40/11, 53/11, 055/16). Of all media regulations only Article 14 of the Law on National Public Broadcaster RTCG (Official Gazette of Montenegro, 079/08 of 23.12.2008, 045/12 of 17.08.2012, 043/16 of 20.07.2016, 054/16 of 15.08.2016) stipulates that: "Journalists employed in RTCG are independent in their work and act in the public interest. A journalist cannot be cancelled employment, reduced salary, or his/her status in the newsroom can be changed, or responsibility established for an attitude or opinion expressed in accordance with professional standards and program regulations."

Labour Law (Official Gazette of Montenegro, 49/2008, 26/2009, 59/2011 and 66/2012) prescribes general protection mechanisms for all employees. Articles 5 to 7 prohibit indirect and direct discrimination and list types of discrimination in terms of employment conditions and selection of candidates for a particular job; working conditions and all rights deriving from employment; education, training and specialization; promotion at work; termination of employment contract.

The Law on Prohibition of Discrimination (Official Gazette of Montenegro, 46/2010 from 6.8.2010), Article 16 prohibits discrimination in the field of labour and payment of unequal salary or work remuneration.

2. Key problems in the work of journalists

Regulations in Montenegro do not include mechanisms for protection of journalists/editors from the influence of media owners. There is no obligation to sign an appropriate act between owners and journalists that would ensure that owners would not interfere in editing of media content. This is combined with an uncertain financial position, low salaries, limited career advancements, so journalists and editors often accept influence of an ownership structure on media content editing. Based on now partly outdated research, there is an estimation that about 800 journalists work in Montenegro. Generally, they are not willing to talk about their position and working conditions, and they decide to take this step only when they get fired. Salaries of journalists are below the average salary on the state level, which, according to Monstat data, amounted to 510 Euros in June 2017. In addition to low wages, the biggest problem is their

delay, which is the most common situation in local public broadcasters³. Such problems are also present in private media. Non-payment of contributions, illegal employment, overtime and work during holidays are just some of the problems that media employees face. In addition to economic ones, journalists also face problems when dealing with their professional status in a newsroom. They are increasingly being overburdened, especially because of demands from a journalist to cover several areas. They are often tasked to do something that is not part of their job description, such as editing, layouting, taking photos, photo processing, etc. Journalists do not speak openly about pressures they face with in their daily work, but those ready to speak point out that each editorial board has a “list of desirable” interlocutors, and that journalists face self-censorship in terms of knowing which topics they can cover depending on the editorial media policy. Imposed interlocutors and topics limit journalists in their work, and interviewed journalists explain that “self-censorship exists when you have to choose a topic within the frameworks of the media where you work or - just do not “rock the boat” and you will not have major problems.”

3. Examples of good practice in the EU related to journalists' autonomy

Crisis that affected media industry all over the world is primarily a crisis of journalism and its autonomy in relation to different centres of power - political and economic. In the last decade, the number of journalists having permanent and long-term employment contracts has been dramatically reduced, and has been replaced by various forms of insecure labour relations.

When “taking over” any model of other countries’ legal practices, it is necessary to be aware of legal, political and professional culture that prevails in certain countries. Thus, when it comes to Montenegro, in our opinion, it is necessary to take into account the experiences (both positive and negative) of countries in the region that have a similar legal culture and which are members of the EU - Slovenia and Croatia. Both countries recognise in their legislation the minimum standard of media statute which ensures certain level of journalistic autonomy in relation to an employer through participation in an election or dismissal of an editor-in-chief and through “conscience clause” which gives a journalist the possibility to reject, under certain conditions, editor’s or owner’s order without any material consequences. Thus, the statute, as a mechanism of protection of journalist autonomy, and a clause of conscience, as a mechanism for protecting those who warn of censorship, must be defined in the Law on Media along with mechanisms that guarantee their implementation. The minimum statute standards and clauses to be defined within the law need to be aligned with the Labour Law in order to avoid legal uncertainties and arbitrary interpretations. It should be noted that Slovenia and Croatia are among rare states that provide to their journalists such legal autonomy. International journalists associations consider these practices as the highest standards that need to be introduced into national legislation in order to protect media integrity. What is lacking in both legislations is the clear definition of effective

³ Trade Union of Media of Montenegro, Indicators on the Level of Media Freedom and Journalists Safety in Montenegro, (Podgorica: Trade Union of Media of Montenegro, 2017).

measures for the implementation of these legal norms. Trade unions must ensure that collective agreements, which are the basis for trade union protection, incorporate these basic rules of journalistic autonomy. Weak position of journalists directly affects the quality of journalistic work. It is of public interest to regulate economic and legal conditions for their work. Media companies which, in any way, violate labour-legal legislation or force journalist, openly or in a hidden manner, to comply with various forms of hidden employment should not be financed from the public funds. Public media, which is financed entirely from the public funds (budget), must adhere to the highest standards of journalistic autonomy, as well as the highest standards of professional journalistic work.

4. Recommendations for improvement of legislation in the field of protection of journalists' rights

- It is necessary to prescribe within the Law on Media mechanisms for protection of professional interests of journalists and editors in creating/editing media content. This can contribute to advancement of media professionalism regarding achievement of their public function. In the Law on Media, it is necessary to specify the right of journalists to reject the editor's order under certain conditions.
- It is also necessary, through amendments to the Law on Media, to prescribe the obligation for media founders to cover the costs of court proceedings related to journalistic work (based on compliance with professional standards) and contributions made within his/her duties and based on the editor's decision.

Annexes:

1. Proposal for amendments to the Law on Media

Amendment 1

Article 9 of the Law on Media is amended as:

"The application for registration in the Register shall be submitted by the founder or an authorized person.

The application shall be accompanied by the Statute of the media, the act on media establishment and the following data:

- name of the media;
- residence, or seat of the founder.

The founder of the media shall be obliged to inform, in a written form, the competent state authority about any change of data referred to in the paragraph 2 of this Article, not later than 15 days from the moment of change.

The special decision of the founder will regulate participation of journalists in the procedure of appointment and dismissal of an editor-in-chief, freedom of work and the responsibility of journalists, as well as the conditions and procedure according to which an editor-in-chief has the right to resign with just compensation in cases of a change in the ownership or management structure of a media that leads to a significant change in core program activities and its content (clause of conscience).

The decision referred to in paragraph 4 of this Article shall be made with the prior approval of the majority of the total number of journalists of that media within 90 days from the establishment date and the entry in the Register.

The founder is obliged to submit the decision referred to in paragraph 4 of this Article to the competent state body in charge of managing the Register within 120 days from the establishment date and the entry in the Register.

The application procedure and Register management shall be prescribed by the competent authority, without additional requirements than those prescribed by this Law. "

Amendment 2

After Chapter II, a new Chapter III entitled "Rights of journalists" is added and new Articles 9a and 9b are introduced

Article 9a

"A journalist's employment cannot be terminated, contracted earnings or labour compensation reduced, or he/she can be disadvantaged in any other way for publishing a true statement or opinion in the public media.

The journalist has the right to refuse to execute the editor's order if acting in accordance with it would violate the regulations, professional rules and ethics of the profession, regulated by specific codes and other legal acts.

The journalist is obliged to inform the editor in written or electronic form about the refusal to execute the order referred to in paragraph 2 of this Article.

Program content in which the meaning is changed during the editorial process cannot be published under the name of the journalist-author without his/her consent in writing.

The editor-in-chief shall be responsible for the program content published contrary to paragraph 4 of this Article.

If reputation of a journalist has been violated with program content published contrary to paragraph 4 of this Article, he/she may claim compensation for the damages."

Article 9b

The journalist has the right to legal and financial assistance of the employer for the protection against violence, threats, insults, and other negative consequences related to performance of a journalistic tasks on the basis of professional standards.

In order to provide effective protection referred to in paragraph 1 of this Article, the employer is obliged to hire a legal representative at his/her own expense.

In the case of a lawsuit raised against a journalist due to articles, photographs, caricatures, contributions and other documents published by the employer, the employer is obliged to hire a legal representative at his/her own expense, as well as to compensate for costs in the event of a lawsuit loss.

Amendment 3

In the transitional and final provisions, after Article 50, a new Article 50a is added as follows:

Article 50a

The Statute and the decision referred to in paragraph 2 and 4 of Article 9 of this Law shall be made by media founders within 120 days from the date of entry into force of this Law.

2. Proposal for amendments to the Law on Electronic Media

Amendment 1

After Article 75, the title "content of the decision on the establishment of a local public broadcaster" and the new Article 75a are added as follows:

"Decision of an assembly of a local self-government on the establishment of a local public broadcaster mandatory regulates:

- Public broadcasters activities
- Responsibilities and obligations of a public broadcaster
- Number of council members of a public broadcaster
- Competencies of public broadcaster's council
- Appointment of public broadcaster's council
- Authorized proponents of public broadcaster's council members
- Requirements for organizations - proponents of public broadcaster's council members
- Procedure for appointing members of public broadcaster's council
- The content of the proposal for the appointment of members of public broadcaster's council
- Deadlines for proposing and appointing members of public broadcaster's council
- Mandate of public broadcaster's council
- Conflict of interests of members of public broadcaster's council
- Manner of work of public broadcaster's council
- Responsibilities of a director of a local public broadcaster
- The method of financing including the minimum annual amount of funds necessary for the performance of the activities of a local public broadcaster and the achievement of its public function
- The assets of a local public broadcaster
- Content of the Statute of a local public broadcaster
- Other important issues related to the work of a local public broadcaster

The local self-government unit shall, prior to the adoption of the decision on the establishment of a local public broadcaster, obtain the opinion of the Agency on the fulfilment of legal obligations regarding the content of the decision itself. “

Amendment 2

After Article 75a, the title "Authorized proponents of local public broadcaster's council members" and the new Article 75b shall be added as follows:

75b

"Members of the local public broadcaster's council may propose all legal entities, except companies, which fulfil the following conditions:

- that in the previous three years it has not received income from the funds of the local self-government or the state budget on the basis of projects, donations, direct payments or other basis in the amount exceeding 50% of its annual budget;
- that it is registered or established at least three years prior to the announcement of a public call for proposals for appointment of a council;
- that it has in the founding act and the statute, defined as core objectives and activities areas foreseen by the decision of an assembly of local self-government and that in the past three years it has continuously dealt with these areas.

One representative of the local public broadcaster's council is appointed by a representative trade union represented in the Social Council.

In the event that several trade unions participate in the work of the Social Council, they alternate in their nomination procedures their candidates so that one trade union cannot have its candidate in two consecutive terms of a local public broadcaster's council.

The same legal entity can participate in proposing candidates for council members only within one category of proponents determined by the decision of an assembly of a local self-government.

The procedure for selecting the members of local public broadcaster's councils is regulated by the decision of an assembly of a local self-government. "

Amendment 3

In Article 76, a new paragraph 4 is added, as follows:

"The minimum amount of funds necessary for the performance of the activities of the national and local public broadcaster and the exercise of a public function prescribed in Article 74 of this Law shall be determined by the law regulating the activities of the national public broadcaster or by the decision to establish a local public broadcaster."

Amendment 4

After Article 78, a new title "Publicity of work of a public broadcasters" is added and new Article 78a is added as follows:

Article 78a

The publicity of the work of a public broadcaster is ensured by:

- publishing minutes from Council's sessions on the website of a public broadcaster;
- publishing a report on the work and financial reports at least once a year on the website of a public broadcaster.

Sessions of public broadcaster's council are open to the public, unless it decides differently by a two-thirds majority of votes of its members.

Other forms that ensure the publicity of the work of public broadcasters can be prescribed by a special law or decisions made by the Parliament of Montenegro and local self-governments.

Amendment 5

In Article 147, a new paragraph 2 is added, as follows:

Units of local self-government are obliged to harmonize decisions on the establishment of public broadcasters with this law within six months from the date of entry into force of this Law.