

**Bosnia and Herzegovina: Facts about media legislation relevant for media integrity**

De jure - rules	Yes / No / Partially	Details	Trends (e.g. relaxation, reinforcement)	De facto - situation (Comments)
<p>Transparency rules for all media (media register, published reports etc.)</p>	<p><b>Partially</b></p>	<p>In the Broadcasting sector there are three relevant rules (<a href="#">Rule 55/2011</a>, <a href="#">58/2011</a>, and <a href="#">Rule 34/2008</a>) which stipulate registering of the ownership structure of licensed broadcasters.</p> <p>There are no specific rules on registration of online and print media, except local court registries for all businesses.</p>	<p>The <a href="#">Communication Regulatory Agency</a> (CRA) is now in the process of amending the Rule 34/2008 to adapt to technological development and gather new information on the market of electronic communication.</p> <p>Press Council is now advocating for print and online media to publish information about the management and contact information, which is not practice among online media platforms at the moment.</p>	<p>Communication Regulatory Agency collects and publishes the data on the owners and editors of broadcasting media.</p> <p>Major print media do publish information on the personnel and management, but they lack transparency on the business indicators and sources of revenues.</p> <p>Online media often do not exercise the minimum of the transparency. Some online media are not registered as business subjects. Many do not publish the information on ownership and management, nor the contact information on their websites. Information on the ownership over media is often not available on the web platforms of media outlets.</p> <p>Parts of information on ownership is available in 15 different court</p>

				registries.
Specific transparency rules for PSB	<b>Yes</b>	For PSB additional obligation is to publish annual reports. Audit reports are also provided (as stipulated in the <a href="#">Law on Public RTV system BiH</a> , the <a href="#">Law on Public RTV service BiH</a> , the <a href="#">Law on RTV FBiH</a> , the <a href="#">Law on RTRS</a> , and the <a href="#">Rule 57/2011 on public RTV broadcasters</a> ).	No major effort has been made over the years to increase transparency of PSB.	Annual reports of three broadcasters have not always been easily accessible. However, <a href="#">financial and business reports of RTRS for years 2008 – 2012</a> are available at RTRS website, as well as, since recently, <a href="#">reports of BHRT from 2010-2012</a> , and <a href="#">reports for RTVFBiH from 2007 till 2012</a> , at their respective websites. The audit office gave a negative mark for business performance of RTVFBiH in the period 2009-2011, but the management of RTV FBiH have been stressing out that both the financial performance and the viewership is enhancing over the past several years. No major changes are identifiable based on these audits.
Transparency rules for media regulator(s)	<b>Yes</b>	The <a href="#">Law on Communications</a> proscribes transparency in the procedures of appointing CRA officials, developing regulations, reaching decisions upon complaints, etc. As stipulated in the Article 45, the CRA submits the yearly financial and activities report. Freedom of Information Act stipulates that as a public institution, the CRA is also obliged to reply to requests for information.	There have not been major critiques of the CRA's transparency, although the CRA is obligated by the law to publish the documents, annual reports, draft rules etc., although publishing on the website is not specifically required.	The CRA publishes yearly reports on their functioning at their websites, and seems to be generally acting in accordance with the laws and regulations in terms of transparency. In the context of this research, CRA officials provided all requested information, as stipulated by the Freedom of Information Act.
Anti-concentration rules	<b>No</b>	The concentration of ownership in media sector has largely not been regulated at all	Previous anti-concentration regulations were under the jurisdiction of the CRA. In past	Few media actors are holding significant ownership share, but no major concentration has been

		for several years.	few years, the CRA has been advocating for development of concentration rules that would pertain to the media sector as a whole. However, so far no significant interest has been demonstrated by the relevant institutions, including the Council of Competition in the first place.	reported so far. Still, lack of regulations, along with the possibility that real owners might not be officially registered as owners, makes the concentration of ownership an open risk.
Cross-ownership rules	<b>No</b>		Ibid.	
Ban/restrictions of media ownership for politicians	<b>Partially</b>	<p>The <a href="#">Law on conflict of interest in the government institutions of BiH</a> (Article 4) stipulates that any engagement in private business, “under circumstances that create a conflict of interest”, is incompatible with the public duties of the elected official, executive officeholder or adviser; these functions are also incompatible with the membership in the supervisory, managerial, executive boards, as well as the position of authorized person within public companies (ibid.) – which includes public media.</p> <p>The Rule 57/2011 on public radio and TV stations pertains only to the positions of editor-in-chief, director and member of editorial board of a public media, who cannot simultaneously hold public office, while it does not affect media owners.</p>	Given that the media ownership is mainly unregulated since 2006, media ownership by politicians is an imminent risk; it is also unclear which “circumstances” constitute conflict of interest in the Article 4.	Dnevni Avaz, one of the major dailies was owned by Fahrudin Radončić, leader of the Alliance for Better Future (SBB). After he was appointed the Minister of Security of BiH, in order to avoid possible accusations of conflict of interest (as stipulated by the Law on conflict of interest), he transferred ownership to his (since recently) ex-wife, Azra Radončić in July 2012.
Barriers/thresholds for foreign	<b>Yes</b>	As stipulated by the <a href="#">Law on the policy of foreign direct investments of BiH</a> , foreign	No identifiable trends.	These stipulations can be surpassed in cases of indirect

ownership in the media		investments in an enterprise engaged in, inter alia, public information (including radio, TV, print and electronic media), shall not exceed 49% of capital of that business (Article 4).		ownership, i.e. if a company registered in BiH is the owner of a media outlet (Interesting cases: Al Jazeera Balkans, OBN).
Separate anti-monopoly body for media industry	<b>No</b>			
General anti-monopoly body in charge of media concentration	<b>Yes</b>	The <a href="#">Council of Competition of BiH</a> decides on the prohibited competition activities in the market, including concentration, as stipulated by the general <a href="#">Competition Act</a> (especially Article 12). However, no specific rules and jurisdiction over media concentration is in place.	The trends are worrying since the relevant institutions did not show interest in developing regulation on media concentration. The Council of Competition does not systematically deal with media sector, but reacts if specific cases of prohibited competition and concentration are reported.	So far there were no prominent cases processed by the Council of Competition, related to media sector. We did not identify any decision of the Council of Competition related to media concentration.
Conflict of interest rules for membership in regulatory bodies	<b>Yes</b>	The Law on Communications (Article 39) stipulates that:  Officials in legislative and executive functions at any level of government, or members of political party organs cannot be candidates for the membership in the Council of the CRA.  A member of the CRA Council should declare any interest related to a telecommunications operator or a broadcaster, and should recuse himself/herself in cases representing a conflict of interest.	The process of appointment of the Council members has been hindered and politically manipulated for years without any sanctions. In 2012, an amendment to the Law on communications was adopted, potentially investing more power in the Council of Ministers to influence the process.  It seems that the formulation “cases representing a conflict of interests” in the Article 39 is overly broad, allowing questionable interpretations.	Over several years, the procedure of appointing the members of CRA Council has been hindered, which was interpreted as a political pressure on the CRA.  Among current candidates for the Council (the list was adopted by the Council of Minister in October 2013, now waiting for the final approval) the issue of conflict of interest has been raised in the public due to their connections with certain broadcasters.

Conflict of interest rules for governing bodies of PSB	<b>Yes</b>	<p>The <a href="#">Law on Public RTV service BiH</a>, the <a href="#">Law on RTV FBiH</a> and the <a href="#">Law on RT RS</a> stipulate that the members of the Board of Governors of a PBS cannot be performing functions in legislative, executive and judicial government, on any level, and cannot hold membership political party organs.</p> <p>The <a href="#">Rule 57/2011 on public radio and TV broadcasters</a> stipulates that members of Editorial council cannot be appointed public officials (Article 10). The members are obliged to submit to the Agency a statement confirming their non-affiliation to political institutions.</p>	<p>No major changes were made in the regulation of this area. The rules are in place, but even if they are formally respected, it is generally believed that the governing bodies are not independent from the political influences.</p> <p>The worrying trend is that the CRA, which is already excluded from the process of appointing the Board of Governors of RTV FBiH, was also left out by the recent amendments to the Law on RTRS</p> <p>Marginalization of the CRA's role in the process may lead to more political reckoning in appointing the managerial board, and to less transparent procedures.</p>	There are no reports on violation of the rule. Still, there are doubts regarding affiliations between the members of the PSB Councils and political parties in power.
Conflict of interest rules for management of PSB	<b>Yes</b>	<p>The Rule 57/2011 (Article 10), as well as the <a href="#">Law on Public RTV service BiH</a>, the <a href="#">Law on RTV FBiH</a> and the <a href="#">Law on RT RS</a> involve stipulations that Editor in chief and director cannot be appointed officials, party officials or representatives of organizations linked to a political party. The director general also cannot be a (co)owner of a broadcaster. Rules pertaining to other management and editorial positions are possible, but not obligatory, and are in domain of the Statutes</p>	No major changes in this regard were made over the years. The legislation is solid, but the implementation remains questionable.	There is no procedural evidence on violation of this rule, but media continuously expressed and reported on speculations about unofficial political affiliations of the PSB management and editors .

		of individual public media.		
Conflict of interest rules for top management position in a regulator	<b>Partially, specifically for director general</b>	As stipulated by the Law on Communications of BiH, the candidates for director general cannot be officials in legislative or executive functions at any level of government, cannot be members of political party organs, or have any financial relations with the telecommunications operators or broadcasters (Article 40).  Some provisions are included in the internal Code of Conduct of CRA, and the general provisions of conflict of interests also apply.	There were no major reports on the violation of these norms.	The whole procedure of appointment of director general of the CRA has been stalled for several years.
Conflict of interest rules for members of decision making body on media subsidies	<b>N/A</b>	There are no specific decision-making bodies on media subsidies, the decisions are made by the officials at different levels of government.	This area remains largely unregulated.	There are doubts about the transparency of and criteria for allocation of funds to media, which are being provided at different governmental levels.
Merit system for nomination and appointment of members of a regulatory body	<b>Yes</b>	The Law on Communications stipulates the merit system for members of the CRA Council and the director general.  Candidates for director general need to have relevant experience in the telecommunication and/or broadcasting sector, and management skills.  Candidates for members of the CRA Council need to fulfill the following conditions:  a) BiH citizenship; b) University degree, technical or social sciences;	Amendments to the Law on Communications was adopted in the second reading in the Parliamentary Assembly on 4 December 2012, raising concerns that it will give more power to the Council of Ministers in appointing members of the CRA Council. The Council of Ministers is supposed to establish an ad hoc body, envisaged to propose the members of the CRA Council. The procedure for appointment and composition of the ad hoc body are not precisely defined.	In the past years, the Parliament of BiH has been blocking the appointment of the director general, and the members of the Council, presumably due to political calculations, thus hindering implementation of the merit system.  The media have been reporting that the political parties were unofficially negotiating the future appointment of the director general, taking into account primarily ethnic principle.

		<p>c) Minimum of five years' experience in posts within the jurisdiction of the Agency;</p> <p>d) Knowledgeable on the issues of business and broadcasting aspects of public and commercial broadcasting media; and</p> <p>e) Experience in telecommunications and broadcasting.</p>	<p>Despite engagement of professionals, there are suspicions that the majority of current ad hoc body members are affiliated to the leading political parties.</p>	
<p>Merit system for nomination of members of PSB governing bodies</p>	<p><b>Partially</b></p>	<p>There are no specific criteria stipulated by the laws and binding government decisions with regard to appointment of Board of Governors. The <a href="#">Law on Public RTV service BiH</a>, the <a href="#">Law on RTV FBiH</a> and the <a href="#">Law on RT RS</a> stipulate that the "most qualified candidates" should be selected. In addition, the relevant laws on ministerial and other appointments (for both state and entity level) stipulate that the criteria are established when conducting a selection procedure, and that the criteria should correspond to the needs of the body in question. Therefore the criteria are not firmly established, but depend on the interpretation of the body that is conducting the procedure. Such interpretation could be questionable especially given that a body within the Parliament FBiH (for RTVFBiH) and, since recently, a body within the National Assembly of RS (for RTRS) are conducting the procedure.</p>	<p>There have been continuous doubts about the way members of the governing boards are being selected. Members of the Governing Boards are perceived to be rather politically suitable than competent individuals contributing to the performance of PSB.</p>	<p>In practice, for example, the recent call for appointment in the Board of Governors of RTRS set the "specific" criteria (published on 4<sup>th</sup> November 2013): higher education, expert knowledge in the field of appointment, at least five years of work experience, familiarity with the content and the manner of functioning of the managerial body.</p> <p>Relatively recently, the initiative of the Parliament of Federation of BiH to appoint an interim Board during 2012, which was made in haste and contrary to legal procedures, was perceived as an attempt to re-establish the political control over this broadcaster (see more <a href="#">here</a>).</p>
<p>Ban of political propaganda outside election period</p>	<p><b>Partially, for PSB only</b></p>	<p>The <a href="#">Law on Public RTV service BiH</a> (Article 32), the <a href="#">Law on RTV FBiH</a> (Article 46) and the <a href="#">Law on RTRS</a> (Article 30) stipulate the prohibition of propaganda messages of political parties and candidates, except in the period of the official election campaign,</p>	<p>It is difficult to detect the trends in this regard, given that practically there is no continuous monitoring of the political propaganda.</p>	<p>Although there are not many reliable continuous content analysis (beyond election period), there are claims that certain media continuously act as PR services of certain political actors (for example</p>

		as regulated by the Election law of Bosnia and Herzegovina and the rules of BiH Election Commission.		Dnevni Avaz as an advocate for SBB, and RTRS for SNSD).
Obligation of fair and balanced reporting	<b>Yes</b>	There are stipulations within the <a href="#">Code on Audiovisual and Radio Media Services</a> , the <a href="#">Code for press and online media</a> , as well as within the laws and rules pertaining to public broadcasters.	It is difficult to identify trends in terms of implementation of these provisions, given that there is no systematic monitoring of the media content.	Violations of these norms occur in practice, but there is a system of regulation and self-regulation that addresses this problem. The CRA has the executive competence regarding violations of such norms in broadcasting sector. On the other hand, implementation of the decisions of Press Councils depend on the voluntary acceptance of media outlets.
Editorial independence rules for private media	<b>No</b>	There are no provisions dealing directly with the editorial independence in private media.		Representatives of the CRA state that the regulations enable maximum editorial independence.
Editorial independence rules for PSB	<b>Yes</b>	The Rule 57/2011 on public radio and television broadcasters, the <a href="#">Law on Public RTV service BiH</a> , the <a href="#">Law on RTV FBiH</a> , the <a href="#">Law on RT RS</a> and the Statute of RTV BiH all stipulate editorial independence.		Despite the regulations, the reports on media system express serious doubts about editorial independence of PBS.
Journalists' autonomy - conscience clause	<b>No</b>			
Journalists' opinion on appointments and dismissals of editors is requested	<b>No</b>			
Legal obligation for employers to sign collective contracts	<b>Partially</b>	The general collective agreement (existing on the level of FBiH and RS) is binding for all employers, including media sector, and it	As stated at the website of the Trade Union of RS (web page of Trade Union of Media and	If the employees are not organized into trade unions, the employer is not obliged to sign and respect



<p>on labour rights in the media</p>		<p>defines the basic principles of labor relations, such as signing the agreement, providing the salary, etc. Separate collective agreements pertaining to the media industry are also signed at the entity level. Particular collective agreements, on the level of individual media, are signed in some media outlets, specifying in more detail the rights of employees and the labor relations.</p>	<p>Graphics) the latest collective contract at the level of industry is adopted in 2006, providing the workers within the sector with “considerably better rights”. It is also stated that by 2000 already 50% of the media had signed the particular collective agreements.</p>	<p>particular collective agreement, which means that many media are left out of these trends. Additionally, the available reports suggest that the labor rights are often violated, above of all the stipulations related to the salaries, working hours and vacation.</p>
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#### Most relevant institutions/organizations:

- Council of Ministers of BiH: <http://vijeceministara.gov.ba/Language.aspx?langTag=hr-HR>
- Ministry of communications and transport of BiH: <http://vijeceministara.gov.ba/Default.aspx?langTag=en-US&pageIndex=1>
- Communication Regulatory Agency: <http://www.cra.ba/bih/>
- Press Council BiH: <http://english.vzs.ba/>

#### Most relevant Laws:

- Law on communications: <http://www.rak.ba/eng/index.php?uid=1272017637>
- Law on Public RTV service BiH, available in B/H/S language: <http://www.mkt.gov.ba/bos/dokumenti/zakoni/Default.aspx?id=275>
- Law on RTV FBiH, available in B/H/S language: <http://www.fbihvlada.gov.ba/bosanski/zakoni/index.php>
- Law on RT RS, available in B/H/S language: [http://lat.rtrs.tv/comp/zakon\\_rtrs.php](http://lat.rtrs.tv/comp/zakon_rtrs.php)
- Law on Public Broadcasting System, pertaining to all three public service broadcasters as well as the common corporation that was never established, available in B/H/S language: <http://www.mkt.gov.ba/bos/dokumenti/zakoni/?id=276>
- Law on conflict of interests in the government institutions of BiH, available in B/H/S language: [www.parlament.ba/sadrzaj/about/ustav/docs/default.aspx?id=18784&langTag=bs-BA&pril=b](http://www.parlament.ba/sadrzaj/about/ustav/docs/default.aspx?id=18784&langTag=bs-BA&pril=b)

**Most relevant rules and codes:**

- Rules and Codes of CRA, pertaining to broadcasting sector: <http://www.cra.ba/eng/index.php?uid=1328108149>
- Code for press and online media: [http://english.vzs.ba/index.php?option=com\\_content&view=article&id=218&Itemid=9&lang=en](http://english.vzs.ba/index.php?option=com_content&view=article&id=218&Itemid=9&lang=en)