



Montenegro
THE AGENCY FOR ELECTRONIC MEDIA
Ref.no. 01 – 364
Podgorica, 21 April 2020

2019 ACTIVITY REPORT
AGENCY FOR ELECTRONIC MEDIA

Podgorica, April 2020

TABLE OF CONTENTS:

INTRODUCTION	3
DRAFTING AND IMPLEMENTATION OF PRIMARY AND SECONDARY LEGISLATION FOR THE AVM SECTOR	4
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	57
TRANSPARENCY	70
2019 FINANCIAL PERFORMANCE	71
Appendix:	
Appendix 1 - An overview of warnings issued (upon complaints and ex officio)	74

INTRODUCTION

The drafting of the new Law on Audiovisual Media services, that is to repeal the current Electronic Media Law, took the bulk of the work of the Agency for Electronic Media (AEM) work in the first half of 2019. Partaking in the work of the drafting group, the AEM representatives gave their utmost contribution to analysing the existing and assessing the justification for having amended or new provisions in place, with a view of increasing AEM's role and position in the institutional framework relevant for (audiovisual) media sector. Particular focus was on wording the provisions that ensure the transposition of the Revised Directive on Audiovisual Media Services in Montenegrin legislative framework, as one of performance indicators envisaged for Chapter 10 – Information Society and Media.

Based on the analysis and review of available data, in case of a certain number of broadcasters, some irregularities and deviation from the terms set in their broadcasting licenses have been observed. This led to instigating procedures against such broadcasters that resulted in corrective actions to comply with the licence terms or issuing warnings, as administrative supervision measures. Acting ex officio or upon complaints, AEM issued in total 119 warnings against AVM service providers. All procedures were conducted transparently and efficiently, and all first and second instance decisions upon complaints were posted on the AEM webpages.

The activities aimed to promote and improve media literacy continued in 2019, which testifies to AEM's readiness to give a substantial contribution to this complex process requiring inter-sectoral coordination and support.

Although in some cases debt rescheduling was somewhat effective, in 2019 AEM continued with enforcement of claims, at times even instigating bankruptcy proceedings.

In the international arena, the AEM representatives monitored the work of the Contact Committee for implementing the Audiovisual and Media Services Directive and the European Regulators Group for Audiovisual Media Services (ERGA), which enabled keeping pace with the trends in applying or revising standards for AVM services. The participation to the activities of regional networks of media regulators (EPRA, MNRA) continued, as well as the activities linked with the preparations for negotiations 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 2019 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 2019 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. *Development of the new Law on Audiovisual Media Services*

In early 2019, the Ministry of Culture initiated the drafting of the Law amending the Law on Electronic Media, and set up a working group with the AEM's representation onboard the group.

Given the scope and complexity of the amendments required, AEM followed closely the drafting process and provided utmost support in wording the new provisions or revising the current ones.

Meanwhile, given the volume of required amendments, decision was made to draft a new law, which resulted in the Draft Law on Audiovisual Media Services.

This Law should be the **main instrument for transposing the Directive** on Audiovisual Media Services (hereinafter: AVMS Directive), revised in late 2018, as the key document in the area of European Union's (EU) audiovisual policy. The AVMS Directive transposition and having the capacities in place for its implementation are the closing benchmarks for the negotiation Chapter 10 – Information Society and Media. The deadline for alignment is September 2020.

Some of the features of the Draft from June 2019 are:

- the law still envisages the **existence of an independent regulator for AVM services** (today's Agency for Electronic Media would be renamed the Agency for AVM services), with a clear definition of its mandate, funding, operation, management, as well as rights and responsibilities in pursuit of its function in an accountable, transparent and professional manner. Given that the Directive has significantly reinforced the roles and responsibilities of independent regulators (i.e. AEM), the efficiency and consistency in implementing the law, and particularly the standards embedded in the Directive will be particularly significant.
 - governing the **establishment/registering, recording, operation and obligations of supervised entities** which include:
 - o broadcasters: public, commercial and non-for-profit radio and TV programmes. They are subject to broadcasting licences, as has been the case so far, and AEM enters them into the Broadcaster Register.
 - o on-demand AVM service providers not subject to licencing, but only reporting their operation to AEM, which enters them in the relevant register. One of the key differences between the new law and the previous one is the separation of on-demand AVM service providers from "cable operators" (distributors of radio and TV programmes to end users). So far, all of these services have been provided under a single licence, which has now changed, by introducing the system of registration.
 - o service providers of radio and TV programme distribution to end users are not subject to licencing, but are only to notify AEM for entering in the pertinent register.
 - o video-sharing platform service providers, as a new category of entities supervised by the Agency, are not subject to licencing, but are only to notify AEM for entering in the pertinent register.
- Another novelty is the provision specifying that rights and responsibilities of electronic publications (web-based portals) will not be governed by this law, but by the Media Law, where they are designated as "web-based publications".
- **the Law is intended to overcome some of the shortcomings** that were observed. Hence, the Draft Law envisages:

- improved procedure for appointment and dismissal of AEM and public broadcasters' councils, which includes the following:
 - changed structure of nominators for AEM council members. Instead of commercial broadcasters alone, it is now envisaged that the association of all broadcasters may nominate candidates. Also, in addition to the PEN Centre, the Academy of Arts and Science may also nominate one candidate.
 - the basic categories of authorised nominators for Council members for local and regional public broadcasters are prescribed, together with the requirements to be met by NGOs that appear as authorised nominators.
 - the possibility of judicial review of the decisions made by relevant parliaments to appoint and dismiss council members is now envisaged.
 - the possibility for collective dismissal of a council has been removed.
 - the provisions that refer to the procedure of public competition for the selection of AEM and public broadcasters' council members are amended.
- AEM is not competent to **supervise the adherence to professional standards** by the electronic media (as is the case with the current Law, Art 55(6) and 65(4)). Instead, these issues should be addressed through self-regulation, under the Media Law.
- The provisions regarding the **shares of current affairs and own production** on the programmes of general radio and TV programmes have been improved.
- **The provisions referring to the terms for using exclusive rights to broadcast events of major importance for society have been revised.** It is envisaged only for broadcasters that can ensure following of such events by live or deferred coverage on free television for at least 75% of Montenegro's population (currently it stands at 60%). Free television means broadcasting programmes via public, commercial or non-for-profit television programmes accessible to the public free of an obligation to pay an addition fee, where the fee payable to distributors of linear AVM services for accessing the package of radio and/or television programmes they distribute does not constitute the additional fee.
- The provision that **funding of public broadcasters is to be governed by means of an agreement** between the central Government or a local self-government unit and the respective broadcaster has been retained. The novelty here is setting the lower limit for annual funding provided to local and regional public broadcasters. Minimum percentages depending on (1) the annual budget of the founding entity, and (2) whether the public broadcaster operates one or two media outlets, i.e. radio and/or TV programme, have been set.
- The provisions concerning the **establishment of public broadcasters** have been improved by stipulating mandatory elements of their Articles of Association, and the responsibilities of these broadcasters towards the public.
- **AEM is empowered to conduct inspection control and impose fines**, or instigate misdemeanour proceedings.
- The Law envisages that a number of **contested laws cease to be applied to AEM and public broadcasters**. These include:
 - The Law on Budget and Fiscal Responsibility (Official Gazette of Montenegro 20/14 ... 55/18) – submission by AEM of its annual plans and reports to the Parliament of Montenegro

- The Law on Salaries of Public Sector Staff (Official Gazette of Montenegro 16/16 ... 39/18) – for the AEM and public broadcaster
 - The Law on State Administration (Official Gazette of Montenegro 78/18) – for the AEM
- The Law envisages some new **authorities for AEM**, such as:
- **distribution and supervision over the use of funds from the Fund for Fostering Media Pluralism and Diversity** for electronic media. This provision is complementary to the one in the Draft Media Law (final draft).
 - Registration of **on-demand AVM service providers** - AVMOD (based on the notification before commencing provision of service).
 - **Video-sharing platforms** are the services regulated for the first time. This is not only new for Montenegro, but also for majority of European countries. Given that most of providers of such services are registered/incorporated outside of Montenegro, they will not be subject to the AEM powers. There is, nonetheless, the need to ensure protection of service users (particularly minors) against the content recognised by the Directives as the content for which a country is obliged to stipulate safeguards. These primarily involve:
 - a) incitement to violence or hatred directed against a group of persons or a member of a group based on sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation;
 - b) public provocation to commit a terrorist offence, child pornography related offences or criminal offences concerning racism and xenophobia;
 - c) audiovisual commercial communications (advertising).
 - Fostering self-regulation and co-regulation;
 - Promoting and fostering media literacy;
 - Fostering better access of AVM services to persons with disabilities.

The finalisation of the draft law was postponed for 2020.

2. Modifications to the Broadcasting Frequency Allocation Plan

Under the Law on Electronic Communications (Article 98) and the Law on Electronic Media (Article 12), in 2019 the AEM Council gave its consent on two occasions to changes to the broadcasting frequencies allocation plans for analogue and digital terrestrial broadcasting. The changes referred to:

1. **Modification to the Allocation Plan for radio frequencies from the 87,5 – 108 MHz band for FM radio**¹ in response to the demand to award/modify the licence for the use of radio frequencies for the national public broadcaster RTCG, for the 2nd programme of “Radio Crne Gore” (Radio Montenegro) from the 87,5-108 MHz band from locations Jejevica and Morača (Crkvine). The increase of effectively expressed capacity compared to the original was demanded from 1 kW to 3 kW for broadcasting programmes at radio-frequency 95,3 MHz for Jejevica site, while in reference to radiofrequency 88,3 MHz at the Morača (Crkvine) site, the

¹ AEM Council Decision to approve the Decision to Modify the Allocation Plan for Radio Frequencies from the 87,5-108 MHz band for FM Radio (01-228/2, of 18 February 2019). The Decision was published in the Official Gazette of Montenegro 016/19.

demand was to increase the effectively expressed power over the original from 1 kW to 5 kW.

2. **Modification to the Allocation Plan for radio frequencies from the 174-230 MHz and 470-694 MHz bands for DTT and T- DAB systems**² in response to the demand by the company „Radio-difuzni centar“ d.o.o. Podgorica (Broadcasting Centre) for using channel 23 from the Njegovuđa site (previously not envisaged by the Allocation Plan for the 470-694 MHz band), for broadcasting digital signal via DVB-T2 network to increase coverage within the territory of Žabljak Municipality.

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

3. Amendments to the Rulebook on Programme Standards in the Electronic Media and the Rulebook on Awarding Licences for On-Demand AVM Services

In early February 2019, the AEM Council adopted the **amendments to the Rulebook on Programme Standards in the Electronic Media** and the **Rulebook on Awarding Licences for On-demand AVM Services**³. These amendments are motivated by the need to improve protection of minors against TV programmes that may harm their physical, mental or moral development, regardless of the platform used to access the content.

According to the amended provisions, providers of distribution of TV programmes to end users (cable operators) are obliged to activate parental controls (allowing access solely by the use of a PIN code) for programmes which may harm the physical, mental and moral development of minors, between 6 am and 11 pm. These measures involve programmes distributed within basic packages of services. If this measure does not ensure effective protection of minors against harmful content, and a channel broadcasts such programmes continuously and daily, operators are obliged to activate parental controls (PIN coding) for the whole channel between 6 am and 11 pm.

Moreover, the amendments to the Rulebook on Awarding Licences for On-demand AVM Services contain measures for improving accessibility of programmes related to events in Montenegro, i.e. better public information, by ensuring equal treatment and easier accessibility in operator's offer of programmes registered in Montenegro. Thus, providers of on-demand AVM services are obliged to place in programme catalogues all electronic media of non-for-profit and commercial broadcasters from Montenegro immediately after the programmes of the national public broadcaster, according to the following list of priorities:

- general programmes broadcasted via free television with greater share of current affairs, culture and arts, documentary and educational, sport and children programmes;
- programmes of regional and local public broadcaster within the territories of local self-governments that are founders of the given broadcaster;
- general programmes broadcasted via free television with greater shares of current affairs, culture and arts, documentary and educational, sport and children programmes;
- specialised programmes with predominant shares of current affairs, culture and arts, documentary and educational, sport and children's programmes.

The above amendments are available on the AEM webpages at www.aemcg.org (under the section Legislation/Secondary legislation).

² The Decision to Approve the Decision to Modify the Allocation Plan for Radio Frequencies from the 174-230 MHz and 470-694 MHz bands for DTT and T-DAB systems (01-228/2, of 18 February 2019), published in the Official Gazette of Montenegro 016/19.

³ Official Gazette of Montenegro 8/19.

4. Amendments to the Rulebook on the Amount, Method of Calculation and Payment of Fees under the Licences for AVM services

In early 2019 the AEM Monitoring Department did the radio broadcasting market analysis focusing on their programmes⁴ and informed the AEM Council of the findings at its session held on 15 April 2019. The analysis showed that some broadcasters have only music content or music content with negligible shares of current affairs, although according to their programme structure they may not be regarded as general radio broadcasters; rather they should be recognised as specialised entertainment programmes.

AEM also carried out activities to assess and improve the compliance of commercial radio broadcasters with programme structures provided at the time of awarding broadcasting licences. With this in mind, the AEM Council accepted the recommendation to adopt measures to change the status of a certain number of radio programmes from general into specialised, leading by extension to different broadcasting fees, particularly in case of entertainment radio stations.

Given the above, and having in mind the need to recognise different degrees of social benefits of content provided by such radio broadcasters, which use radio frequencies as a finite resource, and broadcast solely or predominantly music content without meeting the needs of the public for information, education, culture, etc., it was deemed justified to stipulate somewhat higher level of fees for broadcasting such programmes. Here the fact that the production of music and entertainment radio contents is simpler and more cost-effective, and advertisers often see such contents as more appealing, was taken into account. This puts such broadcasters in a more advantageous position on the market.

In order to recognise the differences among electronic media from the point of view of their programme bases, i.e. the fact whether it involves a specialised entertainment programme, on one hand, or some other programme, on the other, the AEM Council adopted the provision that broadcasters specialised for entertainment programmes are to pay 50% higher fees compared to the ones payable by broadcasters of other programmes, i.e. general programmes or specialised children's, sport, documentary, education or other similar programmes.

Given the above, at its session held on 25 July 2019, the AEM Council adopted the Rulebook amending the Rulebook on the Amount, Method of Calculation and Payment of Fees under the Licences for AVM services⁵, stipulating the new method of calculating and paying the broadcasting fee by specialised entertainment radio and/or TV programmes.

The amendments involve the addition of the G quotient in the equation referred to in Art 10(1) of the Rulebook stipulating the calculation method for the annual broadcasting fee for commercial broadcasters, as follows:

$$I = A \times (0,3 \times B + 0,2 \times C + 0,5 \times D) \times F \times G.$$

Quotients A, B, C, D and F are set in Rulebook Art 10

Quotient G, depending on the type of the electronic media (generalised or specialised radio and/or TV programmes) amounts to:

- a) 1.50 for broadcasting specialised entertainment radio and/or TV programmes;
- b) 1.00 for broadcasting all other radio or television programmes.

Depending on the structure of broadcasted programmes, this model for calculating the broadcasting fee enables the separation of the fee amount payable by broadcasters of specialised

⁴ Information Brief on the State-of-Play in the Radio Broadcasting Market – Programme Aspects (05- 438 of 21 March 2019).

⁵ Official Gazette of Montenegro 43/19

entertainment radio and/or television programmes, and the broadcasters of all other radio and/or television programmes.

This fee calculation will start to be applied as of the beginning of 2020.

5. 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 for European audiovisual works⁶ and audiovisual works of independent producers⁷, the **conditions to be met by national TV broadcasters (covering at least 75% of the population in more than 10 local-self-government units)⁸ 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 2018, AEM concluded that broadcasters with national coverage are supposed to meet the following minimum shares in 2019:

- o for European audiovisual works – 51% and
- o for independent production – 9%.

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

- national public broadcaster RTCG for the TV programme TVCG1 and commercial television programme broadcasters TV Vijesti, TV Prva and TV Nova M **comply with the requirement for the share of European audiovisual works**, while the national public broadcaster RTCG **does not reach the share** for the television programme TVCG2;
- the television programme broadcaster TV Vijesti **does not reach the required share**, and television programme broadcasters TV Prvaⁱ TV Nova M **comply with the required share of audiovisual works of independent producers**;
- the national public broadcaster RTCG **did not provide information** on the shares of audiovisual works of independent producers in programmes of TVCG1 and TVCG2.

The tables below give the information (assessments) of the shares of European audiovisual works and the audiovisual works of independent producers in the programmes of broadcasters that provided full or partial data on programmes broadcasted in 2019. Monitoring data were used to crosscheck information, and it was confirmed that the information provided is correct, meaning that all mentioned in the report was actually broadcasted.

⁶ Official Gazette of Montenegro 47/14.

⁷ Official Gazette of Montenegro 47/14.

⁸ TVCG1, TVCG2, TV Vijesti, TV Prva, TV Nova M (na kraju 2019.g.).

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	81.625	62,98	73.136	56,43	85.704	66,13	91.310	70,46	72.872	56,23
APR - JUN	84.782	64,70	58.501	44,64	83.874	64,01	96.800	73,87	72.055	54,99
JUL -SEP	77.177	58,26	40.208	30,35	82.904	62,58	89.960	67,90	83.566	63,08
OCT -DEC	90.569	68.36	60.452	45.63	81.505	61,52	99.675	75,24	83.157	62,77
TOTAL	334.153	63,58	232.297	44,20	333.987	63,54	377.745	71,87	311.650	59,29

Table 1.: Shares of European audiovisual works in 2019

AUDIOVISUAL WORKS OF INDEPENDENT PRODUCERS (AVW IP)										
Period	TVCG1		TVCG2		TV NOVA M		TV PRVA		TV VIJESTI	
	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	/	/	/	/	51.622	39,83	53.410	41,21	7.577	5,85
APR - JUN	/	/	/	/	54.797	41,82	56.545	43,15	8.986	6,86
JUL -SEP	/	/	/	/	42.746	32,27	64.055	48,35	5.827	4,40
OCT -DEC	/	/	/	/	35.074	26,47	69.490	52,45	7.145	5,39
TOTAL	/	/	/	/	184.239	35,05	243.500	46,33	29.535	5,62

Table 2.: Shares of audiovisual works of independent producers in 2019

The Rulebook on the requirements for achieving minimum share of European Audiovisual Works, under Art 82 of the Law on Electronic Media, 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 this operator may significantly improve the promotion of production of and access to European works.

6. Changes in the AEM Council composition

In mid-December 2019, the term in office of Budimir Damjanović and Rajko Todorović as Council members expired.

On 17 December 2019 the Parliament of Montenegro, at the 6th session of the second regular (autumn) sitting in 2019, passed the **Decision to nominate two members of the Council to the Agency for Electronic Media** (Rajko Todorović and Boris Raonić)⁹.

In February 2019, the AEM Council appointed Goran Vuković as the AEM Director. On 01 March 2019, he replaced Abaz Džafić, former director since the AEM establishment in 2003.

**MEMBERS OF THE AEM COUNCIL
(decembar 2019)**

- **Ranko Vujović**, *nominated by the association of commercial broadcasters, Council Chair*
- **Prof Saša Knežević**, *nominated by universities*
- **Edin Koljenović**, *nominated by nongovernmental organisation dealing with human rights and freedoms*
- **Rajko Todorović**, *nominated by Montenegrin P.E.N. Centre*
- **Boris Raonić**, *nominated by nongovernmental organisations dealing with media*

⁹ Official Gazette of Montenegro 70/19.

ENFORCEMENT OF THE LAW ON ELECTRONIC MEDIA

1. *Public competitions for awarding broadcasting rights*

The public competition for awarding radio broadcasting rights of 22 October 2020¹⁰ 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.

The competition referred to the frequencies envisaged by the Allocation Plan for Radio Frequencies in the 87.5 – 108 MHz for FM Radio for broadcasting radio programmes from the sites intended to cover the territories of the following municipalities: Andrijevića, Berane, Bijelo Polje, Cetinje, Danilovgrad, Gusinje, Kolašin, Mojkovac, Nikšić, Plav, Pljevlja, Plužine, Podgorica, Rožaje, Šavnik, Ulcinj and Žabljak.

Since no application arrived within the set timeframe, at its session held on 27 November 2019 the AEM Council passed the Decision to cancel the public competition for awarding the right to broadcast general or specialised radio programmes¹¹.

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

Pursuant to the application for issuing licence for broadcasting specialised television programme lodged by the Public Company “Radio i Televizija Crne Gore”, AEM issued a licence for broadcasting specialised TV programme “TVCG HD”, which thus acquired the status of a broadcaster and the right to use electronic communication networks for broadcasting the programme intended for an indefinite number of users (Licence no. O-TV-J-9)¹². The licence was valid until 09 February 2019, i.e. for the duration of the contest for selecting Montenegrin representative at the Eurosong contest, within the show entitled “Montevizija”.

Pursuant to the application lodged by the local public broadcaster “Javni radio difuzni servis Radio Televizija Herceg Novi” d.o.o. from Herceg Novi, AEM issued a licence for broadcasting general television programme “Televizija Herceg Novi”. Thus it acquired the right to use electronic communication networks for broadcasting the programme intended for an indefinite number of users (Licence no. O-TV-J-8)¹³. The licence is valid for 10 years, or until 12 July 2029.

Pursuant to the application for licence for broadcasting specialised television programmes lodged by the company “MANIX” d.o.o., AEM issued **two** new licences for broadcasting specialised television programmes “**TV MNE SPORT 2**” (Licence no. O-TV-K-27)¹⁴ and “**TV MNE SPORT 3**” (Licence no. O-TV-K-28)¹⁵. The broadcaster acquired the status of a broadcaster of specialised television programmes and the right to use electronic communication networks for broadcasting the programmes intended for an indefinite number of users.

3. *Reducing the coverage zone*

The “**Boin**” d.o.o. company from Podgorice, a broadcaster of general television programme “**TV Boin**”, notified of their intention to continue broadcasting their programmes only within the territories of municipalities Podgorica, Tuzi and Ulcinj, via the cable distribution network “Mtel”.

¹⁰ AEM Council Document no. 01-1161 of 22 October 2019

¹¹ AEM Council Document no 01-1161/ 1 of 27 November 2019

¹² AEM document no. 02-114/3 of 04 February 2019

¹³ AEM document no. 02-904/1 of 12 July 2019

¹⁴ AEM document no. 02-215/1 of 26 February 2019

¹⁵ AEM document no. 02-216/1 of 26 February 2019

AEM passed the Decision¹⁶ amending the Broadcasting Licence no. O-TV-K-03, with corresponding decrease in the broadcasting fee amount on the count of reduced service zone.

Upon the notification from the company “**Lokalni javni emiter Radio i Televizija Nikšić**” d.o.o. from **Nikšić**, a public broadcaster of radio programme „**Radio Nikšić**“, of their intention to abolish broadcasting in the municipalities Plužine and Šavnik, AEM passed the Decision¹⁷ to amend the Broadcasting Licence no. O-R-J-10, reducing the coverage zone, as well as the broadcasting fee.

Upon the notification by the company “**Antena M**” d.o.o. from **Podgorica**, broadcaster of radio programme “**Radio Antena M**“, of their intention to cease broadcasting in the municipality of Pljevlja, AEM passed the Decision¹⁸ to amend the Broadcasting Licence no. O-R-K-03, reducing the coverage zone, as well as the broadcasting fee.

4. *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 „Novi TV”**, approving the transfer of 100% ownership share from the then owner Metropolitan Montenegrin and Littoral from Cetinje to the new owner Perica Đaković from Herceg Novi¹⁹.

In addition, the AEM Council gave its **prior consent for indirect change in ownership structure** of the company “Adria Topco B.V” (reg. no. 58908773) the Netherlands, the indirect owner of the “United Group B.V”, as the indirect owner of the company “Direct Media” d.o.o. Beograd, founder of the company “Nova M” d.o.o. Podgorica, a broadcaster of the general television programme “TV Nova M”. With this change, the ownership share was transferred from the previous indirect owner company Adria Topco B.V” (reg. no. 58908773) from the Netherlands to the company “Summer BidCo B.V.” (reg. no. 71716734) from the Netherlands²⁰.

5. *Compliance with programme structure*

Montenegrin media landscape today consists of 75 electronic media outlets, which is quite a considerable number given the total size of its population.

Additionally, these media differ in many respects. They include 53 radio and 22 television channels. Among them, some are public, some non-for-profit, and some commercial, with local, regional or national coverage.

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.

¹⁶ AEM document no. 02-1051/2 of 27 September 2019

¹⁷ AEM document no. 02-277/1 of 01 March 2019

¹⁸ AEM document no. 02-1447 of 26 December 2019

¹⁹ AEM Council Document no 01-1300/1 of 24 December 2019

²⁰ AEM Council Document no 01-90/1 of 23 January 2019

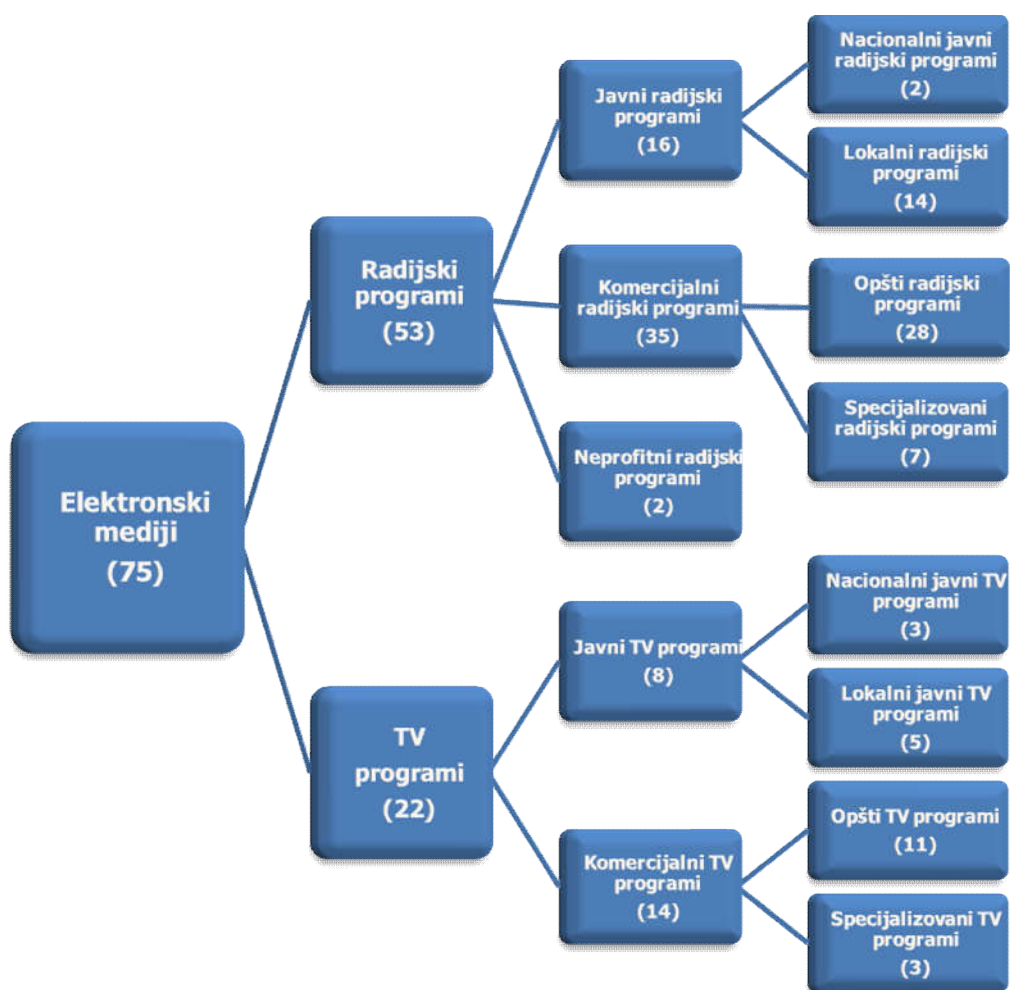


Figure 3.: Electronic media outlets in Montenegro (breakdown by groups, number)

Radio broadcasters are mostly interested in areas of larger municipalities in the central and southern regions. Out of the total, 24 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 channels with national coverage. For instance, Podgorica is covered by the signals of 20 commercial radio stations, while as many as nine municipalities (in the northern region) are covered by less than five commercial operators.

An average, radio programme is composed of 67% music and 33% various non-music contents. The non-music contents are mostly produced by broadcasters themselves, the shares of rebroadcasts and purchased programmes are very low.

By the type of contents produced by radio broadcaster, on average, current affairs are predominant with approx. 40%. This is followed by entertainment with around 30%. But these are average figured. This is primarily affected by public radio broadcasts with substantial shares of current affairs. On the other hand, in a large number of commercial stations, the predominant share goes in favour of entertainment. The fact that the shares of current affairs are primarily a result of the legal provision²¹, is confirmed by the existence of radio broadcasters that air prime time news between 11pm and 6 am. A large number of broadcasters rebroadcast current affairs programmes, often from the same source, which is not conducive to media pluralism or diversity of programmes.

21 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 last one block lasting at least 20 minutes.

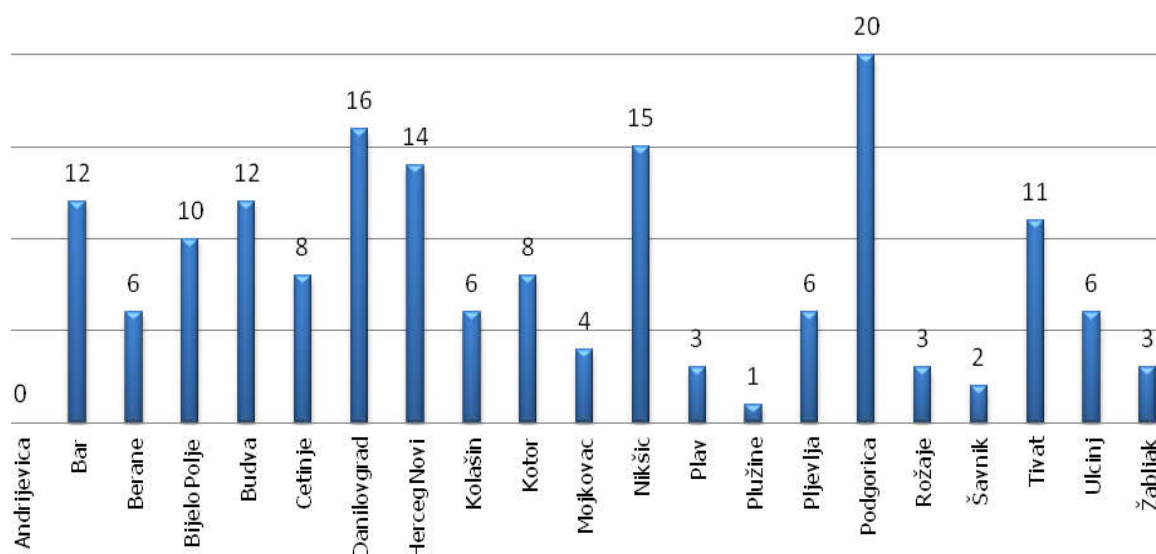


Figure 4.: No of radio stations accessible within the territory of a specific municipality

Culture and arts, and documentary and educational programmes put together account for approx. 30%. The lowest shares are accounted for by sport and children's programmes, on average, 6%, and 2%, respectively. The fact that in most radio stations there are no or very little children's programmes is creating new patterns of behaviour in younger audiences. Radio programmes are, generally, adapted to the fact that radio is mostly listened to in a car or via online platforms; thus, they feature short, undemanding forms with great shares of music.

Montenegrin televisions, on average, produce 30% of own programme, rebroadcast during 8% of air time, and the most prevalent are purchased programmes with 49%. The predominance of purchased programmes mostly refers to films and serials, but also some content of licenced formats. Serials are particularly present, which goes along the general trend of routinizing audiences. 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. 32%, followed by culture and arts with close to 23%. On average, news and current affairs account for 21%. 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. 3%. Television programmes hardly ever use sign language or other techniques adapted to persons with disabilities.

Television programmes of domestic media, unlike the radio programmes, are considerably exposed to international competition, primarily from the wider region. Given that almost 90% of Montenegrin households watch television via some form of "cable" distribution, modern television broadcasting trends spread fast to the programmes of Montenegrin televisions. Thus, television programmes are characterised by lengthy collage forms, which cover serious social and political issues and entertainment, but also some shorter non-pretentious entertainment forms.

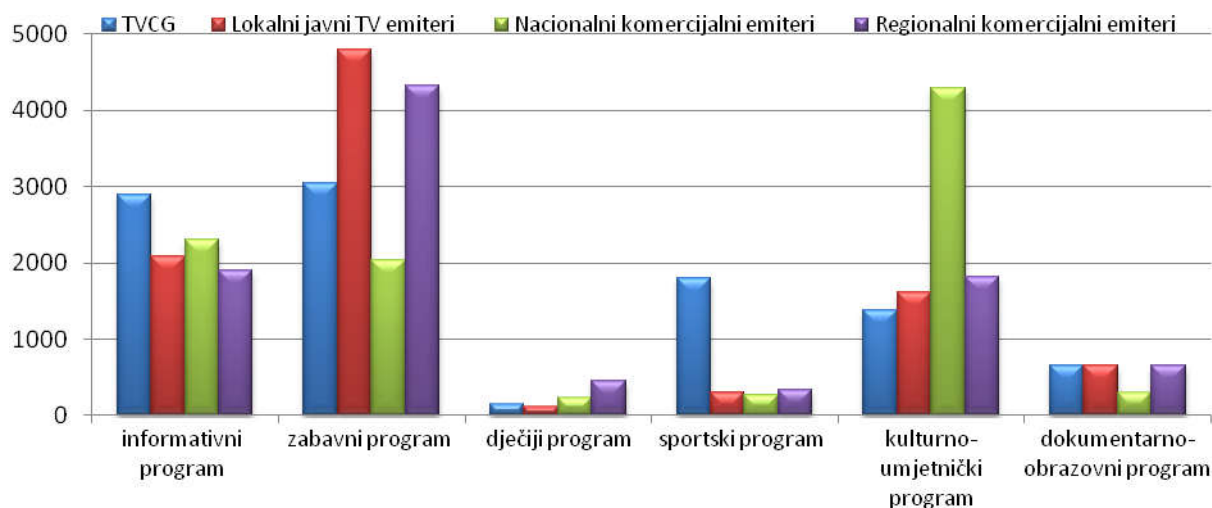


Figure 5.: Shares of certain categories of programmes on Montenegrin televisions (on average, in minutes)

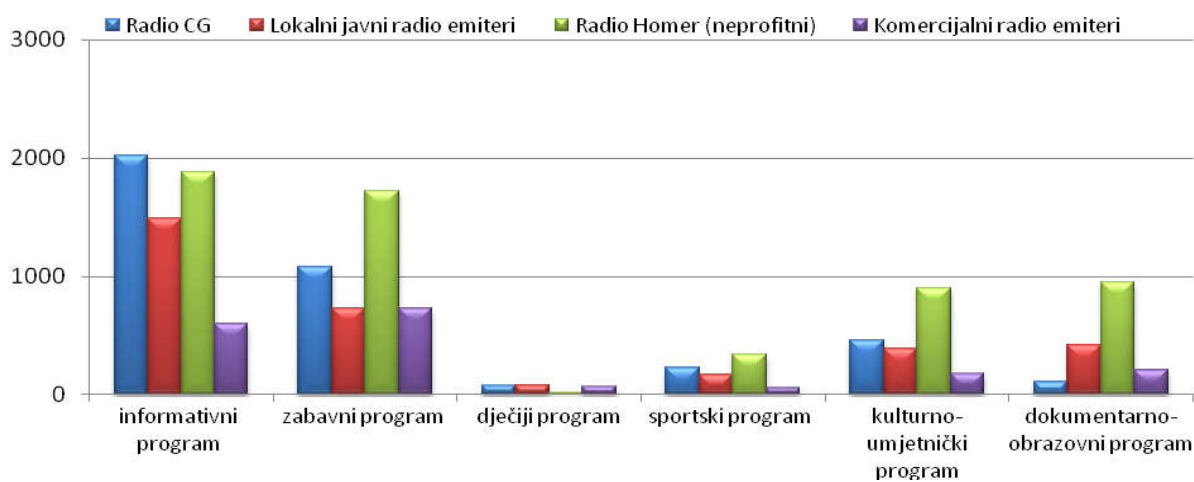


Figure 6.: Shares of non-music programmes in radio broadcasts (on average, in minutes)²²

*

* *

²² The data concerning local public radio broadcasters are extrapolated from the data provided in their respective licences.

Programme breakdown for radio broadcasters

Radio Crne Gore²³

On average, channel one of Radio Crne Gore broadcasts weekly approx. 40% of music and 66% of various types of programmes (by category, genre, or production source). Regardless of the production source, total broadcasted non-music contents are predominantly current affairs with 37%. This is followed, by type, by culture and arts with 9% each. Documentary and educational programmes account for 2%, and children's and sports for 1.5% each.

Channel two of Radio Crne Gore - Radio 98, on average, broadcasts weekly 81% music and 19% various types of programmes (by category, genre, or production source). Entertainment programmes are predominant in the structure of non-music programmes (by type) with 12%. It is followed by sport programmes (3%) and current affairs (2.6%). Culture and arts, and documentary and educational programmes account for less than 1%, while there were no children's programmes over the observed period.

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

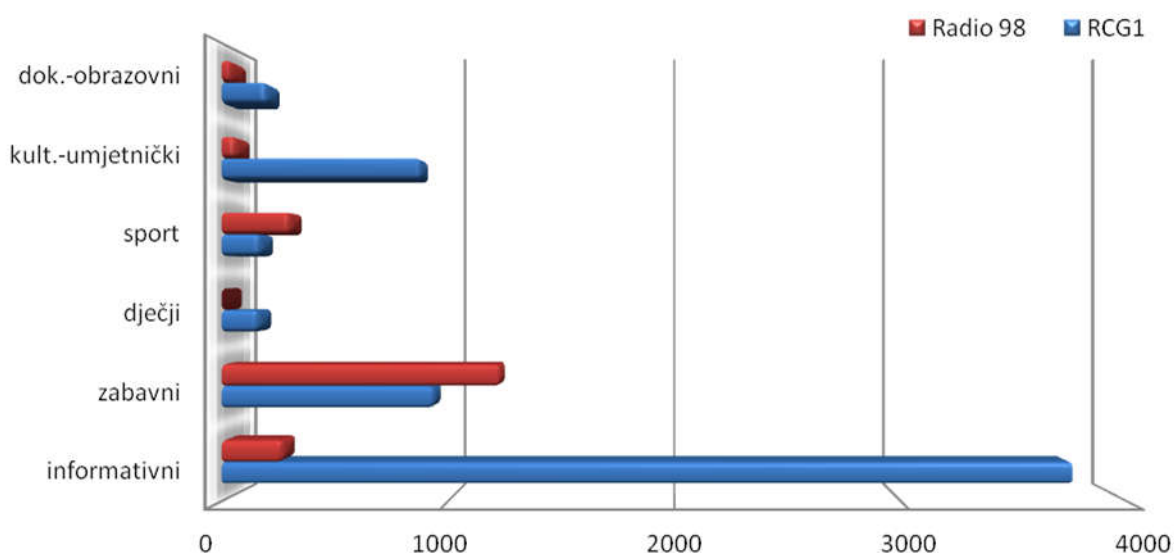


Figure 7.: Breakdown by type of programmes (RCG1 vs Radio 98), minutes

Local public broadcasters²⁴

Under Article 55(5) of the Law on Electronic Media, a broadcaster is obliged to store transmitted programmes in line with regulations governing media and regulations governing preservation of cultural assets. Under Article 34 of the Media Law, 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 this 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 not the case currently. Upon repeated requests by AEM asking for inspection of recordings of broadcasts, only two public broadcasters responded.

²³ Review of Programme Structure of the National Public Broadcaster (RTCG)", AEM document no. 02-1341 of 29 November 2019

²⁴ Review of Programme Structure of Local Public Radio and TV Broadcasters

All things considered, the data referring to local public radio broadcasters coincide with the ones from the respective broadcasting licences. Thus, 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.

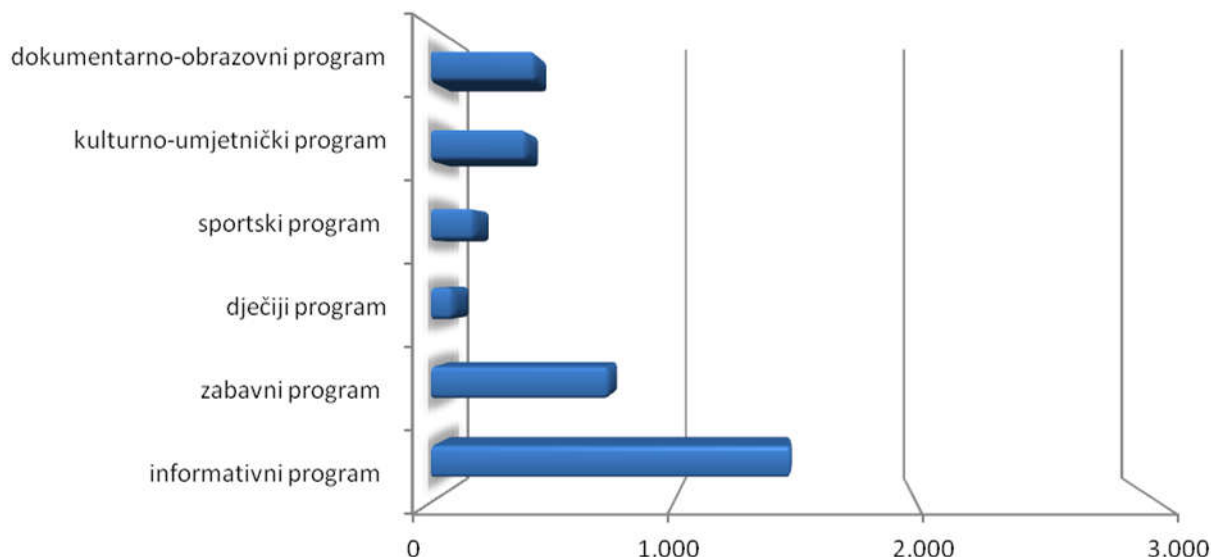


Figure 8.: Breakdown by type of programmes for local public radio broadcasters (on average, in minutes)

Commercial radio broadcasters²⁵

The Law on Electronic Media (Article 104) stipulates that broadcasting licence is to include the information on programme structure²⁶. In 2019 AEM amended the broadcasting licences issued for commercial radio broadcasters by adding Annex 2²⁷, with the information on programme structure and other programming obligations in line with the applications lodged on the public competition or the licence application.

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

In case of 60% 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 upon the public competition. A procedure was initiated against such broadcasters ordering either to align the programme structure with the pertinent application or lodge an application for AEM Council's consent for significant change of programme structure²⁸.

²⁵ Review of Programme Structure of Commercial Radio Broadcasters

²⁶ 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.

²⁷ Radio Elmag, Radio Svetigora, Radio Teuta, TDI Radio, Radio Krš.

²⁸ 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.

In 2019 the AEM Council issued 13 consents for significant changes to commercial radio programme structures. Consequently, the same number of broadcasting licences were amended by adding Annex 2 – Programme Structure.

Over the period 2017 to 2019, the total of 30 broadcasting licences for commercial radio broadcasters were amended by adding Annex 2, while in case of 5 broadcasters this process is still pending.

An average commercial radio programme, according to the programme structure envisaged by their broadcasting licences, includes weekly 82% of music and 18% 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.

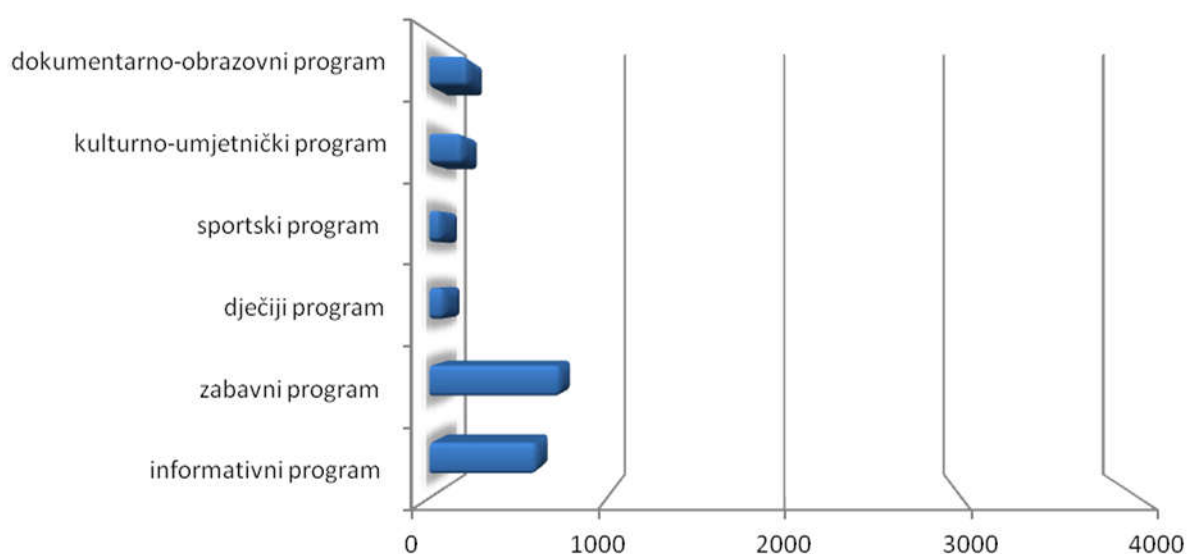


Figure 9.: Breakdown by type of programmes for commercial radio broadcasters (on average, in minutes)

*

*

*

Non-for-profit broadcasters²⁹

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 66% music and 34% of various types of programmes (the average for the two non-for-profit broadcasters).

Radio Homer broadcasts 5.810 minutes a week, or 830 minutes a day (approx. 14 hours) of various programmes, while the rest is accounted for by music. Own production accounts for 44.46% of total broadcasts (4.482 minutes a week), purchased programmes account for 6.95% (700 minutes a week), while-re-broadcasts have a 6.23% share (628 minutes weekly).

²⁹ Review of Compliance with Licence Terms – Non-for-Profit Broadcasters, AEM document no. 02-1237 of 04 November 2019.

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 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. Given the observed discrepancies, the non-compliance procedure was initiated, but the broadcaster failed to align the broadcasts with its licence terms.

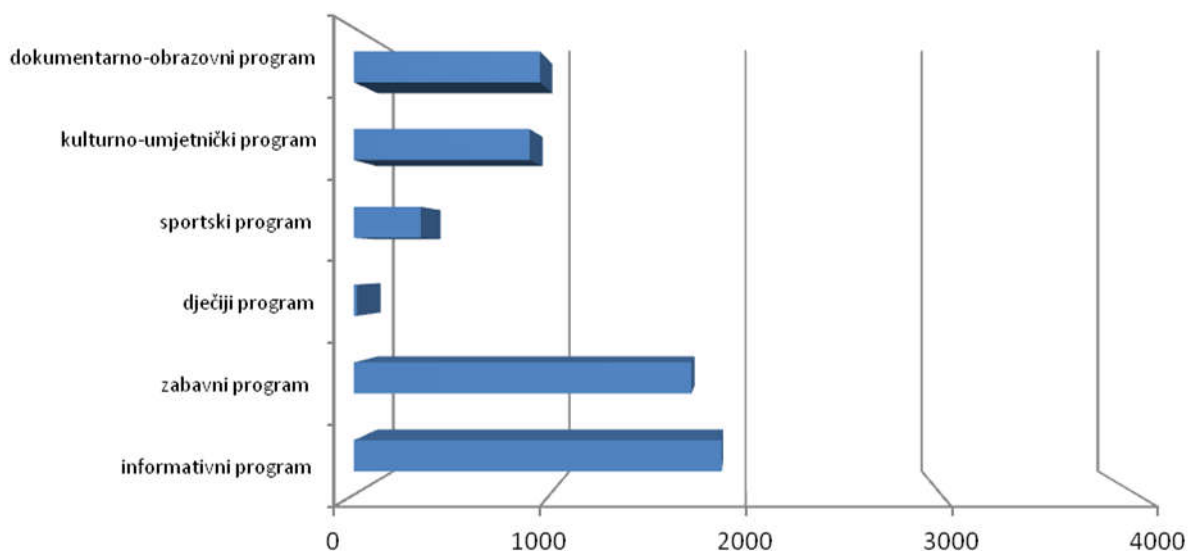


Figure 10.: Breakdown by type of programmes for “Radio Homer” (minutes)

*

* *

Programme structure of television broadcasters

Televizija Crne Gore³⁰

Given the production source, in the overall broadcasts of TVCG1 own production is predominant (73%). 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 46%. During the weekdays, a news programme in Albanian is broadcasted, as well as one in sign language. Weekly half-an-hour programme in Romani is also broadcasted.

Entertainment programme accounts for 23%, culture and arts for 16% of total programmes. This is followed by documentary and educational programmes with 10% of the total.

Sport and children’s programmes have the lowest share in the overall programme structure with approx. 1.5% of broadcasts each (weekly).

As for TVCG2, given the production source, own production is predominant (57%). Purchased programmes account for 20%, and rebroadcasts for 3%.

In overall broadcasts of RTCG2, irrespective of the production source, entertainment programmes are predominant with 38%. This is followed by sports with 34%. Culture and arts and

³⁰ Review of Programme Structure of the National Public Broadcaster (RTCG)”, AEM document no. 02-1341 of 29 November 2019.

current affairs have the shares of 12% each. Documentary and educational programmes account for 3%, and children’s programme somewhat above 1%.

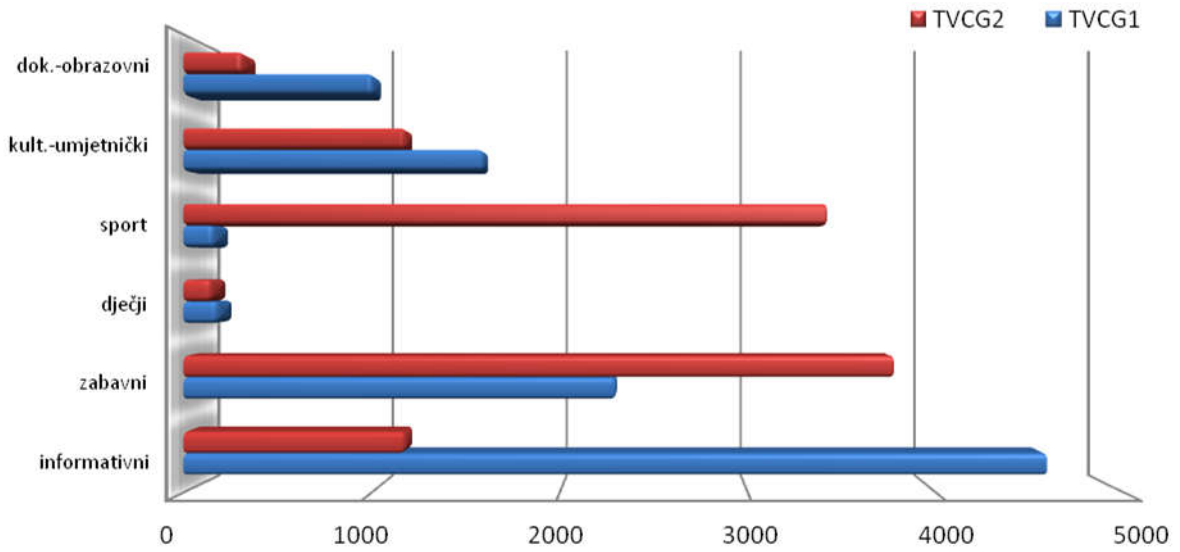


Figure 11.: Breakdown by type of programmes (TVCG1 vs TVCG2), minutes

*
* *

Local public television broadcasters³¹

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. 50%. News and current affairs account for 22%. Children’s and sports programmes have the lowest shares.

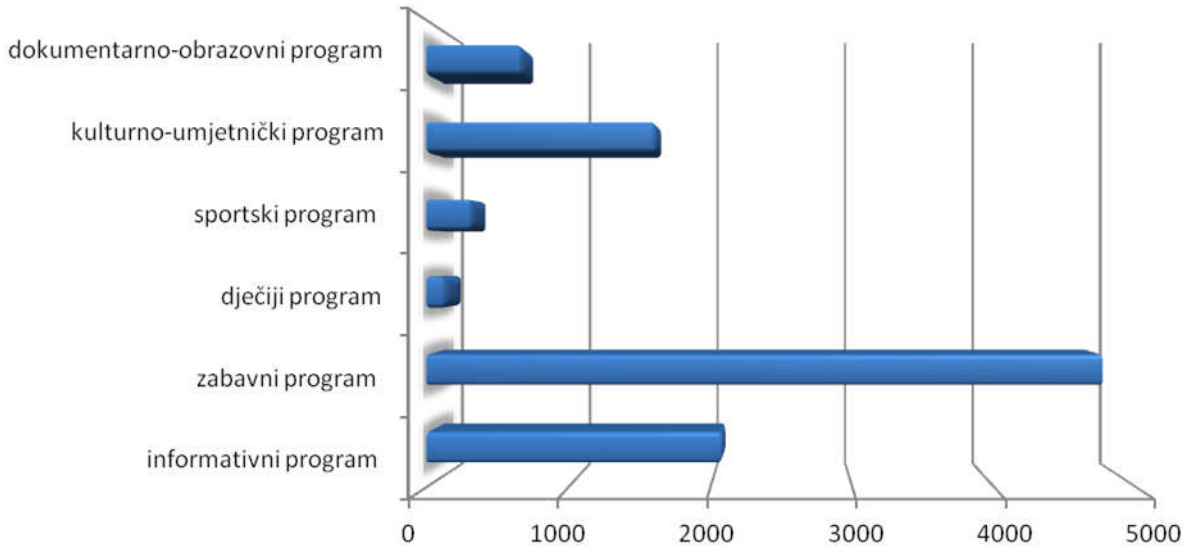


Figure 12.: Breakdown by type of programmes for local public broadcasters (on average, in minutes)

³¹ Review of Programme Structure of Local Public TV Broadcasters, AEM document no. 02-1167 of 23 October 2019

Commercial television broadcasters with national coverage³²

Given the production source, purchased programmes (on average) are predominant in total broadcasts of national commercial television broadcasters (62%). Own production accounts for 19% of total broadcasts, while the share of rebroadcasts is 11%.

The greatest share of total broadcasts, irrespective of production source, is accounted for by culture and arts programmes (43%), followed by current affairs with 23%, and entertainment with 20%. Children's, documentary and education, and sports programmes account for significantly lower shares.

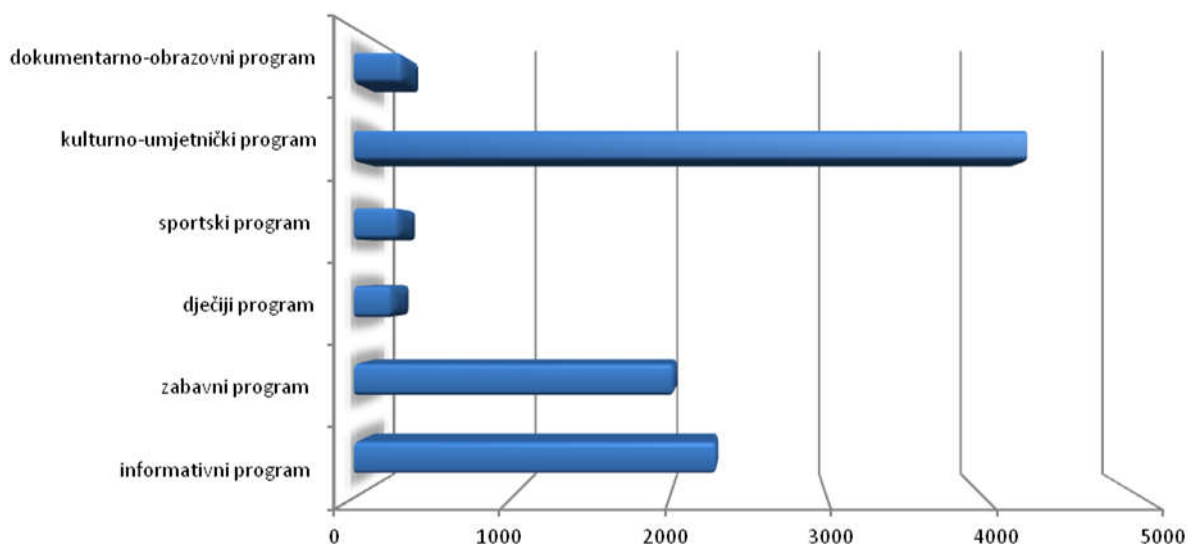


Figure 13.: S Breakdown by type of programmes for national commercial television broadcasters (on average, in minutes)

*

* *

Commercial television broadcasters with regional coverage³³

Given the production source, purchased programmes (on average) are predominant in total broadcasts of regional commercial television broadcasters (60%). Own production accounts for 17% of total broadcasts, while the share of rebroadcasts is 8%.

The greatest share of total broadcasts, irrespective of production source, is accounted for by entertainment programmes (43%), followed by current affairs with 18%, and culture and arts with 17%. Children's, documentary and education, and sports programmes account for significantly lower shares.

³²Review of Programme Structure of TV Broadcasters with National Coverage, AEM documents no. 02-746 of 11 June 2019 and no. 02-1379 of 16 December 2019

³³ Review of Programme Structure of Commercial TV Broadcasters with Regional Coverage, AEM document no. 02-1253 of 14 November 2019.

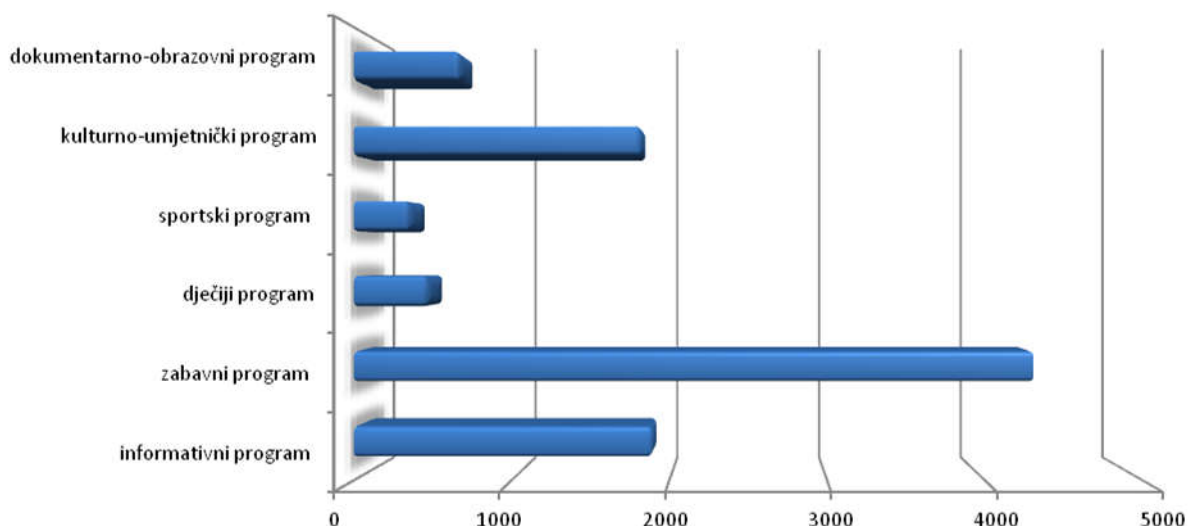


Figure 14.: Breakdown by type of programmes for regional commercial television broadcasters (on average, in minutes)

6. Renaming and changed identification codes of media outlets

Given the **change in name and identification code of media outlets**:

- for “Topolica” d.o.o. Bar AEM **changed the Broadcasting Licence for general radio programme “Urban Radio”** ref.no. O-R-K-16³⁴ (prior name/ ID code was “F Radio”);
- for “Lutrija Crne Gore” a.d. Podgoricea, AEM **changed the Broadcasting Licence for general television programme “TV 7”** ref.no. O-TV-K-08³⁵ (prior name/ ID code was “777 TV Lutrija Crne Gore”);
- for “Manix” d.o.o. Podgorica, AEM **changed the Broadcasting Licence for specialised television programme “TV MNE SPORT 1”** ref.no. O-TV-K-26³⁶ (prior name/ ID code was “TV MNE SPORT”).

7. Changed status of media outlets

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 prior approval by the AEM Council.

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 broadcast³⁷.

Following the AEM Council approval of a significant change in programme structure, which included the **status change** (from general to specialised programmes), AEM modified respective

³⁴ AEM document no. 02-203/1 of 19 February 2019

³⁵ AEM document no. 02-986/1 of 17 September 2019

³⁶ AEM document no. 02-214/1 of 22 February 2019

³⁷ A significant change in the programme structure, in terms with this provision, is any change over 10% in the programme structure based on which broadcasting licence was granted. The Law also stipulates that AEM may deny a broadcaster the approval for the change of programme structure should it determine that it would lead in the area serviced by a certain radio or television broadcaster to a lack of a certain type of programmes for which the broadcaster was licensed (Art 58 LEM).

broadcasting licences for the following broadcasters granting them the status of specialised radio programmes³⁸:

- **NGO "Stereotip"** Podgorica, a broadcaster of specialised music radio programme **"Radio City"** ref.no. O-R-K-45³⁹;
- **NGO "Udruženje Roma Crne Gore"** Podgorica, a broadcaster of specialised music radio programme **"Romski Radio"** ref.no. O-R-K-44⁴⁰;
- **Company "Eurogum" d.o.o.** Cetinje, a broadcaster of specialised music radio programme **"Radio Star FM"** br. O-R-K-06⁴¹;
- **NGO "Skadar Lake"** Podgorica, a broadcaster of specialised music radio programme **"Radio Skadar Lake"** ref.no. O-R-K-34⁴²;
- **Company "083 Vučeljić" d.o.o.** Nikšić, a broadcaster of specialised music radio programme **"Radio 083"** ref.no. O-R-K-40⁴³;
- **Company "Hit FM" d.o.o.** Herceg Novi, a broadcaster of specialised entertainment radio programme **"Radio S2"** ref.no. O-R-K-07⁴⁴;
- **Company "OKI AIR BROADCASTING" d.o.o.** Podgorica, a broadcaster of specialised music radio programme **"Radio Mag"** ref.no. O-R-K-53⁴⁵.

8. *Change of programme structure for commercial broadcasters*

Due to minor changes in programme structure, AEM modified broadcasting licences in the section concerning programme structure (2.1. Broadcasting Licence, and Annex 2) for the following broadcasters:

- **NGO "Studentska Aktivna Frekvencija Radijske Avangarde" Podgorica**, for broadcasting general radio programme **"Radio Krš"**⁴⁶;
- **Company "MIR & TEUTA" d.o.o. Ulcinj**, for broadcasting general radio programme **"Radio Teuta"**⁴⁷;
- **Company "OKI AIR BROADCASTING" d.o.o. Podgorica**, for broadcasting general radio programme **"Radio Elmag"**⁴⁸;
- **NGO „Kulturni Centar Homer“ Podgorica**, for broadcasting general radio programme **"Radio Homer"**⁴⁹;
- **Company "Televizija Vijesti" d.o.o. Podgorica**, for broadcasting general television programme **"Televizija Vijesti"**⁵⁰;

³⁸ Art 56(3) of the LEM stipulates that the programme base of a specialised television or radio broadcast contains the schedule which determines: 1) programme type, of which over 50% shall be programmes of the same type; 2) envisaged proportions of different types of programmes; 3) envisaged maximum share of advertising; 4) share of European audiovisual production and other works for specialised television broadcasting; 5) transmission time.

³⁹ AEM document no. 02-764/3 of 08 July 2019

⁴⁰ AEM document no. 02-782/3 of 08 July 2019

⁴¹ AEM document no. 02-882/3 of 26 July 2019

⁴² AEM document no. 02-1256/3 of 02 December 2019

⁴³ AEM document no. 02-189/9 of 12 June 2019

⁴⁴ AEM document no. 02-895/3 of 26 July 2019

⁴⁵ AEM document no. 02-767/3 of 08 July 2019

⁴⁶ AEM document no. 02-496/8 of 17 June 2019

⁴⁷ AEM document no. 02-944/3 of 29 August 2019

⁴⁸ AEM document no. 02-768/3 of 08 July 2019

⁴⁹ AEM document no. 02-206/3 of 20 February 2019

- **Company “Lokalni javni emiter Radio i Televizija Pljevlja” d.o.o. Pljevlja**, for broadcasting general television programme “**Televizija Pljevlja**”⁵¹;
- **Company “Metropolitan Media” d.o.o. Cetinje**, for broadcasting general radio programme “**Radio Svetigora**”⁵².

9. *Media coverage during election campaigns*

Elections for the Local Council in the Municipality of Tuzi

On 29 November 2018, the President of Montenegro passed the Decision to call the elections for councillors in the Municipality of Tuzi, eventually held on 03 March 2019.

In terms with the Law on Electronic Media⁵³, the AEM Council adopted the **Rulebook on Rights and Responsibilities of Broadcasters during the Election Campaign for the Local Elections in Tuzi scheduled for 03 March 2019**⁵⁴. It elaborates 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.

The total of 12 electronic media outlets adopted special rules for media coverage, including 5 television broadcasters: one public and four commercial ones. Although they adopted the rules, eight electronic media outlets failed to implement the programmes intended for such media coverage.

Monitoring was done in order to assess the consistency in observing the rules for media coverage. Based on the monitoring of RTCG programmes between 19 February and 1 March between 7 am and midnight, the **Report on Media Representation during the Campaign for the Local Elections in Tuzi – March 2019** was prepared and made public.

The total duration of media coverage on the public broadcaster RTCG between 19 February and 1 March amounted to 19,837 seconds (331 minutes) or approx. 5 and half hours over 11 days. Out of the total (19,837 seconds), 64% referred to television, and 36% to radio broadcasts.

The bulk of media coverage on the programmes of the public broadcaster RTCG focused on presenting candidate lists.

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 not improved. The broadcaster did not use the designation “free” political advertising, but rather “political marketing”. For the duration of the given election campaign, AEM received no complaints regarding the operation of electronic media.

10. *Activities to improve collection of claims*

Warnings and debt rescheduling

On the account of default in payment of annual broadcasting fees, AEM issued warnings on two occasions (on 2 June 2019 and 01 October 2019). The overview of broadcasters receiving warnings on this count is given in Annex 1 attached hereto.

⁵⁰ AEM document no. 02-217/4 of 21 March 2019

⁵¹ AEM document no. 02-614 of 25 April 2019

⁵² AEM document no. 02-1254/4 of 26 December 2019

⁵³ Article 96b of the Law on Electronic Media stipulates that the AEM Council is to adopt, not later than seven days after the elections have been called, regulation setting the terms for pursuing the rights and responsibilities of broadcasters in reference to election campaign and political advertising.

⁵⁴ AEM Council Document no 01-2341 of 07 December 2018

In order to overcome the problems encountered due to defaulting, AEM offered to a number of broadcasting licence holders to enter into a debt rescheduling scheme.

The terms offered were accepted by 14 broadcasters that entered into Debt Rescheduling Protocols with the AEM. These include:

BROADCASTER	Media outlet ID	Rescheduling balance	Billed before 31 Dec 2019	Total liabilities subject to the protocol	Actual collections under the protocol	Performance rate
„Antena M“ d.o.o.	Radio Antena M	4.235,78	0,00	1.411,93	1.411,93	100,00%
„TDM MIX“ d.o.o.	Radio Laki	1.233,22	0,00	1.233,22	822,14	66,67%
NVO „Skadar Lake“	Radio Skadar Lake	1.600,50	0,00	1.060,50	0,00	0,00%
„Maxko“ d.o.o.	Skala Radio	1.399,58	0,00	1.399,58	1.399,58	100,00%
„LJE RTV Nikšić“	Radio Nikšić	4.536,73	0,00	1.140,00	380,00	33,33%
„Topolica“ d.o.o.	Urban Radio	888,93	0,00	440,00	220,00	50,00%
„Boin“ d.o.o.	TV Boin	11.045,52	0,00	613,64	613,64	100,00%
„Manix“ d.o.o.	TV MNE Sport 1	4.941,73	0,00	3.294,48	0,00	0,00%
„Manix“ d.o.o.	TV MNE Sport 2	4.941,72	0,00	3.294,48	0,00	0,00%
„Manix“ d.o.o.	TV MNE Sport 3	4.941,72	0,00	3.294,48	0,00	0,00%
„Zen Master Production“ d.o.o.	TV Novi	7.243,98	1.647,25	8.891,23	3.610,00	40,60%
„LJE RTV Nikšić“	TV Nikšić	9.626,06	0,00	2.400,00	800,00	33,33%
„LJE RTV Pljevlja“	TV Pljevlja	6.174,54	0,00	2.500,00	500,00	20,00%
„Televizija Vijesti“ d.o.o.	TV Vijesti	14.406,96	0,00	4.406,96	4.406,96	100,00%

Table 15.: Rescheduling protocols concluded in 2019

Enforced collections

In 2019, through bailiffs, AEM launched enforced collection⁵⁵ of claims against the once broadcaster “Blue Moon” d.o.o. (TV MBC), in the amount of EUR 4.463.9 (Enforcement Decision Iv. br. 487/2018 of 3 October 2019). In addition, three enforced collection cases launched in previous years continued (Lokalni javni emiter Radio i Televizija Nikšić d.o.o., Blue Moon d.o.o. and Adnan d.o.o.).

The following can be incurred on the status of the above cases in 2019 based on the data available:

- one case was suspended on the account of the initiated bankruptcy proceedings: Adnan d.o.o. (TV Glas Plava);
- three cases are pending: one against Lokalni javni emiter Radio i Televizija Nikšić d.o.o. (Radio Nikšić) and two against Blue Moon d.o.o. (TV MBC).

Bankruptcy proceedings

Since enforced collection was not possible (due to lack of funds on the debtors' accounts), in 2019, at the initiative of other entities, three **bankruptcy proceedings** were launched in which AEM raised its claims.

⁵⁵ The enforced collection procedure was launched under the Law on Enforcement and Security (Official Gazette of Montenegro no. 36/11, 28/14, 20/15, 22/17, 76/17).

DEBTOR	OUTLET	MAIN DEBT	BANKRUPTCY AMOUNT	Status
Radio Mojkovac d.o.o. ⁵⁶	TV Mojkovac	4.084,88	4.084,88	Bankruptcy concluded ⁵⁷
Adnan d.o.o. ⁵⁸	TV Glas Plava	16.329,24	16.877, 83	Bankruptcy concluded ⁵⁹
TV Sun d.o.o. ⁶⁰	TV Sun	21.615,31	21.615,31	Case returned to the first instance court for retrial ⁶¹

Table 16.: Bankruptcy proceedings launched in 2019

Three bankruptcy proceedings launched during previous years (private institution Radio Televizija Planorama - Radio Panorama and Televizija Panorama, Radio Televizija Atlas d.o.o. - Radio Atlas and Radio Elmag d.o.o. - Radio Elmag⁶²) continued.

The following can be incurred on the status of the above cases in 2019 based on the data available:

- three proceedings were closed, the founders of these broadcasters were deregistered from the Central Register of Business Entities, and their debts written off ("Radio Elmag" d.o.o., Radio Mojkovac d.o.o. i Radio Adnan d.o.o.). Thus, the AEM wrote off the total debt of €91,744.69.
- one proceeding was suspended, because the Court of Appeals quashed the decision to launch the bankruptcy proceeding ("Sun Sun" d.o.o.) and the case was returned to the first instance court for retrial.
- two cases are pending (private institution Radio Televizija Planorama, Radio Televizija Atlas d.o.o.).

11. Public broadcasters

Although several years ago four local self-governments (Bar, Cetinje, Ulcinj, Kolašin) passed the decisions to launch their local TV programmes, by the end of 2019 their respective local parliaments either did not appoint the public broadcaster councils or did not apply for broadcasting licences, and thus did not commence TV broadcasts.

In 2019, the public broadcaster "Radio televizija Herceg Novi" d.o.o. met all the requirements for being granted the **broadcasting licence for general television programme "Televizija Herceg Novi"**. By receiving the licence⁶³, this broadcaster complied with the requirements set in the Law on Electronic Media.

In case of seven local public broadcasters, the procedures to appoint all or some council members were conducted (Radio Bar, Radio Berane, Radio Bijelo Polje, Radio Cetinje, Radio Kotor, Radio televizija Rožaje and Radio televizija Ulcinj).

⁵⁶ The bankruptcy proceeding was launched by the Ministry of Finance – the Tax Administration Office Podgorica.

⁵⁷ Decision to Close the Bankruptcy Proceeding St.br. 579/19 of 19 September 2019 (Official Gazette of Montenegro no. 54/19, Advertising section no. 40/19)

⁵⁸ The bankruptcy proceeding was launched by the public company "Radio-difuzni centar" d.o.o.

⁵⁹ Decision to Close the Bankruptcy Proceeding St.br. 480/19 of 20 November 2019 (Official Gazette of Montenegro no. 65/19, Advertising section no. 50/19)

⁶⁰ The bankruptcy proceeding was launched by the Ministry of Finance – the Tax Administration Office Podgorica.

⁶¹ The Court of Appeals by its rulings Pž.br. 648/19 of 01 October 2019 quashed the Ruling of the Commercial Court to launch the bankruptcy proceeding St.br. 66/19 of 18 July 2019 and returned the case to first instance court for retrial (Pž.br. 648/19 of 01 October 2019.).

⁶² The bankruptcy proceeding was launched by the public company "Radio-difuzni centar" d.o.o.

⁶³ Broadcasting Licence no. O-TV-J-8 (document ref.no. 02-904/1 of 12 July 2019)

*
* *

AEM continued to mobilise public broadcasters and competent authorities within their founding entities 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 2019:

- six (out of 14) 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 rules⁶⁴. In 2018 it was done in Pljevlja⁶⁵, Tivat⁶⁶, Bijelo Polje⁶⁷ and Budva⁶⁸, and in 2019 in Kolašin⁶⁹ and Kotor⁷⁰.
- under the obligation set Art 76(6) of the Law on Electronic Media, nine local public broadcasters provided the contracts signed to AEM for inspection (Cetinje, Pljevlja, Rožaje, Tivat, Herceg Novi, Bar, Danilovgrad, Kotor, Budva), governing mutual rights and responsibilities of local self-governments and their public broadcasters.
- two local self-governments approved the work plans of local public broadcasters they founded: Local Council Rožaje and Local Council Budva.

12. *Registration and identification of e-publications*

The Rulebook on Electronic Publications⁷¹ stipulates the contents, keeping and registration procedure concerning the Register of E-Publication Service Providers (hereinafter: "Register"). Registration is done based on an application submitted to AEM by a legal or natural person before commencing the provision of e-publication services. The data about registered e-publications are regularly posted and updated on the AEM webpages.

In 2019, AEM improved the procedure by enabling online application via its webpages <http://aemcg.org/prijava-za-upis-u-registar-elektronskih-publikacija/>.

The Law on Electronic Media does not envisage the possibility of forcing the e-publications, not wishing to register, to do so. Thus, in case no application is lodged, AEM cannot register ex

⁶⁴ LEM Articles 76 to 76c govern the issues of public service provision and funding of public broadcasters. The given local self-government unit and its public broadcaster govern mutual rights and responsibilities regarding the use of budget funding by means of a contract (LEM Art 76). The contract set the type and scope of all public services provided by the public broadcaster, and the amount and sources of funding. The contract is signed for a three-year period, in compliance with macroeconomic and fiscal policy guidelines, in case of the national public broadcaster, or with budget plans and projections for local public broadcasters, as well as in compliance with state aid rules for public broadcasting services. Before entering into the contract, a public broadcaster is obliged to provide a draft of programme duties and put it up for public consultations lasting for 45 days, to give an opportunity to the public to voice their opinions whether the programme duties proposed meet the criteria set in LEM Art 74. The public broadcaster is obliged to provide the Draft Contract to the Government of Montenegro (in case of RTCG) or the respective local self-government unit (in case of public broadcasters) not later than six months before the expiry of the current contract, and also each year, not later than by 31 December of the current year for the following year, draft and adopt work plan and financial plan establishing the activities and programme duties, as well as the funding needed to implement them.

⁶⁵ Decision amending the Decision to Set Up the Public Broadcaster Radio Televizija Pljevlja (Official Gazette of Montenegro – Municipal Regulations no. 45/17).

⁶⁶ Decision amending the Decision to Set Up the limited liability company Local Public Broadcaster Radio Tivat (Official Gazette of Montenegro – Municipal Regulations no. 7/18)

⁶⁷ Decision amending the Decision to Set Up the Public Broadcaster Radio Bijelo Polje (Official Gazette of Montenegro – Municipal Regulations no. 11/18)

⁶⁸ Decision amending the Decision to Set Up the limited liability company Local Public Broadcaster Radio televizija Budva (Official Gazette of Montenegro – Municipal Regulations no. 26/18)

⁶⁹ Decision amending the Decision to Set Up the limited liability company Local Public Broadcaster "Radio i televizija Kolašin" (Official Gazette of Montenegro – Municipal Regulations no. 54/19 of 31 December 2019)

⁷⁰ Decision amending the Decision to Set Up the limited liability company Local Public Broadcaster "Radio Kotor" (Official Gazette of Montenegro – Municipal Regulations no. 52/19 of 25 December 2019)

⁷¹ Official Gazette of Montenegro no. 7/16.

officio. Therefore, we continued in 2019 periodically to invite e-publication service providers to apply for registration.

Over the four years, the total of 61 e-publications were registered, 15 in 2016, 10 in 2017, 16 in 2018, and 29 in 2019.

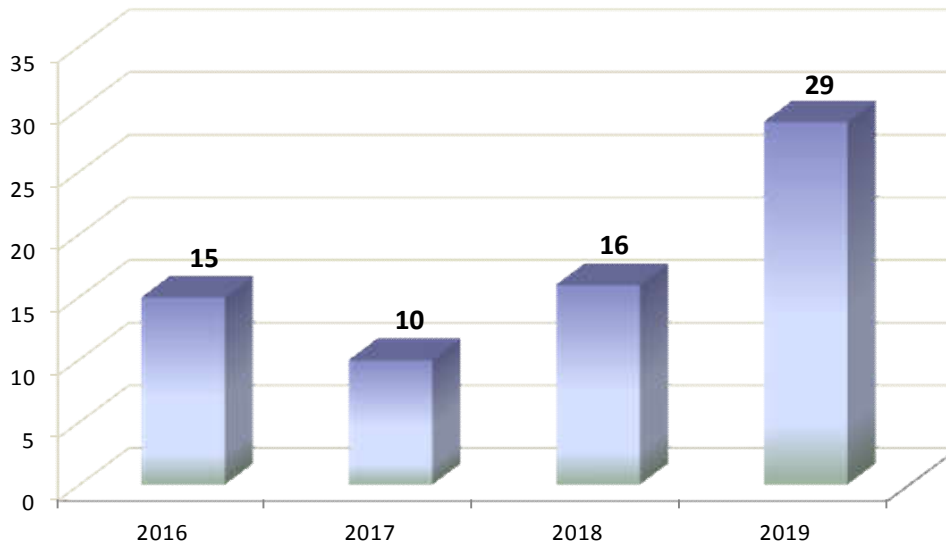


Figure 17.: Registration of e-publication service providers by year

By comparing the information from the Register and the information available on web-based portals, AEM observed certain deviations. The most significant such deviation is seen in the fact that a certain number of e-publication service providers entered in the Register do not provide to their users user-friendly, direct and constant access, particularly to the following information: name of the e-publication service provider; its ID; registered office; registered e-mail and an e-mail for corrections, replies and complaints.

13. Adhering 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.

The monitoring of programmes 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, monitoring trends, etc.

In 2019 AEM published the following monitoring reports:

- Visibility of Men and Women in Prime Time News on National Televisions – March 2019;
- Media Reporting during the Campaign for Local Elections in Tuzi – March 2019;
- Information Brief on Television Programmes Intended for Children - April 2019;
- Programme Structure of TV Broadcasters with National Coverage - June 2019;
- Information Brief on Television Reporting on the Pride Week – September 2019;
- Presence of Ads for Food and Drinks high in Fat, Salt and Sugar in Television Advertising - October 2019;

- Programme Structure of Local Public TV Broadcasters – October 2019;
- Information Brief on Compliance with the Licence Terms – Non-for-Profit Broadcasters - November 2019;
- Programme Structure of Commercial TV Broadcasters with Regional Coverage - November 2019;
- Programme Structure of the National Public Broadcaster RTCG – November 2019;
- Programme Structure of Commercial TV Broadcasters with National Coverage – December 2019
- Programme Structure of Commercial Radio Broadcasters – December 2019.

The above reports are available at the AEM webpages

www.aemcg.org

*

* *

Professional standards

Compared to previous years, in 2019 AEM received considerably fewer complaints concerning professional standards. By way of reminder, the Art 55(6) of the Law on Electronic Media stipulates that a broadcaster is obliged to contribute to free, true, integral, impartial and timely information of the public of events in the country and abroad, and to respect and promote fundamental human rights and freedoms, democratic values, institutions and pluralism of ideas.

This legal provision is further elaborated by the Rulebook on Programme Standards in Electronic Media envisaging in its Art 7(1) that the broadcasters that produce (edit and broadcast) news programmes are obliged to do that in a professional and responsible manner, contributing to provision of information to the public about the events in the country and abroad in a free, accurate, comprehensive, impartial and timely manner. Furthermore, its Art 8 stipulates that in the production of news programmes, the electronic media are obliged to observe the principles of objectivity, impartiality, timeliness, accuracy, non-discrimination, freedom to comment, and hear the other side rule, that the events are to be presented accurately, and different approaches and opinions presented in a professional and fair manner, and that opinions and comments are to be separated from factual reporting, and their source or author clearly recognisable.

As before, AEM maintained that the observance of the principles of reporting is an issue of professional ethics and journalistic standards; hence, it is quite disputable that any state authority, AEM included, would oversee the application of those standards. Therefore, AEM welcomes the commitment and efforts undertaken through amendments of the current legal framework (adoption of the new Media Law and the Law on AVM Services) to support the definition of systemic support to the development and strengthening of self-regulation and the application of professional standards, but also ensuring a safe environment conducive to the work of journalists.

The application of professional standards is particularly important in reference to the production and broadcasting of news programmes, through which the public learn about the themes of public interest, and receive information of political, social or economic nature. Relaying information in current affairs programmes must be devoid of any personal views or comments by anchors or journalists reporting on any theme of general public interest. This does not mean that controversial societal issues should be avoided, but rather, when covered with comments integrated in the news, that broadcasters are obliged to indicate that the comment given is not part of the actual news. Otherwise, an accompanying inseparable comment sets a different tone and questions the objectivity of reporting.

*
* *

Protection of minors

The best interests of the child is the overriding priority in the UN Convention on the Rights of the Child. Its Article 13 guarantees the right of the child to freedom of expression, which includes freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice. European media regulations devote particular attention to the protection of children in various areas, and by means of various ethical criteria in the information society and audiovisual services provided by new information and communication technologies.

The Law on Electronic Media stipulates that strict care is to be taken to ensure that the programmes not adapted to certain age groups among minors are to be assigned to slots (times of the day) when it is least likely that they may be accessible to the unintended audiences. Broadcasters are, moreover, obliged to use audio and visual warnings for such programmes.

For several years already Montenegro has had over 200,000 cable television users (approx. 195,000 households). Less than 10% of households use only the free television (free to air). Given that, AEM is devoting particular attention to the fact that any programme, even serious harmful ones, may be prohibited or allowed depending on the distribution platform: prohibited on the traditional television, allowed with or without coding in case of on-demand service and fully accessible (visible) online.

Hence, in April 2019 AEM published the **Information Brief on Television Broadcasts Intended for Children**⁷². It features the information available on what minors in Montenegro watch and want to watch on television, and on the other hand, what is offered to children by Montenegrin televisions and foreign TV programmes available at TV distribution platforms.

In the course of one week, 14 broadcasters in Montenegro on average broadcasted 3.37%⁷³ of children's programmes as a share of total broadcasts. Among the children's contents, the bulk or 65% is accounted for by cartoons. Majority of children's programmes were suited for ages 2 to 6, or 67% in total. Approximately 25% 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. 8%).

Majority of broadcasts intended for children are not interactive, are quite limited in terms of inciting thinking or participation of viewers. Particularly disconcerting is the lack of inclusiveness of programmes intended for children. There are no children with disabilities in broadcasts suitable for youngest audiences. Marginalised children are not visible in children's programmes. Collage programmes with the participation of children never include children with disabilities, children from diverse ethnic and national backgrounds, deprived or rural children. This is in stark contrast to the efforts undertaken in children's wider contexts, in schools and other educational institutions, which foster inclusive environments in which marginalised children are not discriminated.

As for the distribution of foreign television programmes in the Montenegrin market, at each point in time distributors offer 20 to 25 specialised children's programmes (23 at the time observed). One distributor on average offers 11 specialised programmes intended for children, with seven of them, on average, in basic packages of services (approx. 60%).

Limited diversity of programmes in terms of suitability to children of different ages, observed in the programmes of Montenegrin televisions, is also visible in the selection of specialised foreign programmes. The bulk of programmes for minors are the ones intended for children aged 6 to 12.

⁷² AEM document no. 02-640 of 25 April 2019

⁷³ Referring to the period November 2018 – March 2019.

There are considerably fewer programmes intended for younger audiences (aged 2 to 6), or for older minors (12 to 17).

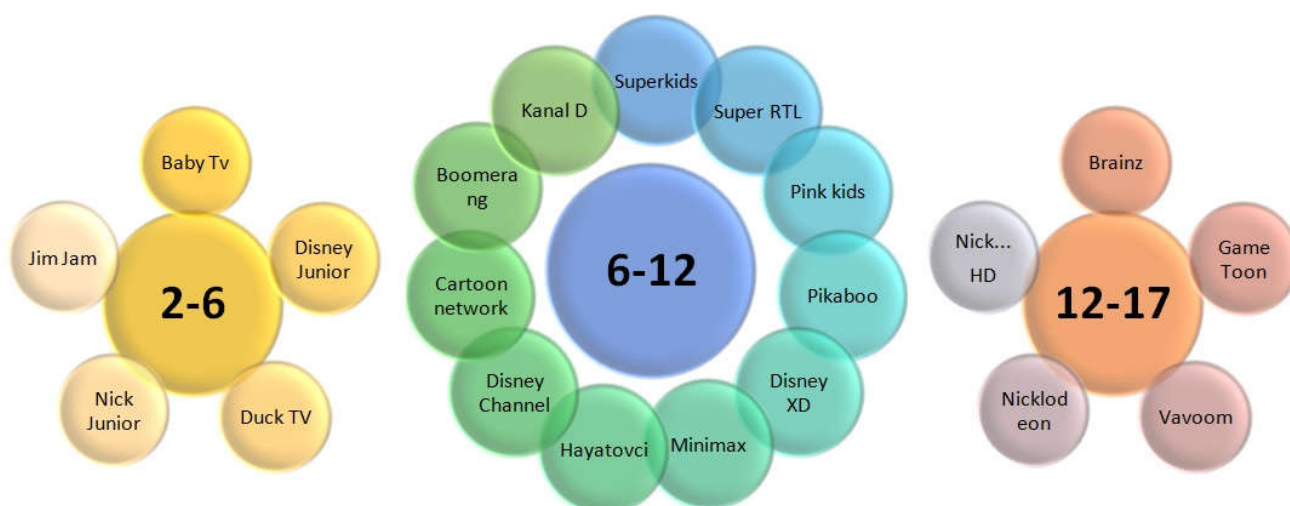


Figure 18.: Breakdown of TV broadcasts intended for children, by age group⁷⁴

*

* *

Audiovisual media commercial communications

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 placement, to recommend to their viewers or listeners a certain product/service or a certain entity. The method of promotion or 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).

Supervision over the legislation related to AVM commercial communication shows that the interest of major advertisers shifted in time away from the forms of direct advertising (traditional commercials) towards the forms of highlighting products or entities which imply the inclusion (visual highlighting) or mentioning (sound or verbal highlighting) within broadcasts. This means that there is a growing trend of commercial communications where the promotional element is integrated in or placed within a broadcast.

As was the case in 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 are taken into account, there are few violations of the maximum allowable quota for advertising.

A considerable share of television programmes is accounted for by studio broadcasts, of collage type (for instance, morning programmes) which are suitable for placing advertising within editorial contents. Practice has shown that thematic broadcasts (tourism and travel, wine and wine-making, auto industry, etc.), usually by independent productions, are a fertile soil for surreptitious advertising where sponsors endeavour to secure promotion more visible and comprehensive than as stipulated by the law. Accordingly, AEM endeavoured, through parallel monitoring of broadcasts of similar formats and themes, targeted by the same advertisers and in direct communication with

⁷⁴ Age orientations is derived from the publication "Media Ownership: Children's TV Channels in Europe – Who are the key players?" or based on the information on programme orientation.

broadcasters, to ensure consistent application of legislation and change the practices of major sponsors in the market.

In case of radio broadcasters, substantial breaches of the maximum allowable shares of advertising per a clock hour of broadcasts and inappropriate practice of broadcasting adverts outside the advertising slots were observed.

The monitoring focusing on advertising conducted in 2019 analysed the advertising from the point of view of special standards (advertising messages intended for minors, advertising for drugs and medical aids, etc.). In October 2019 the analysis on the **Presence of Ads for Food and Drinks High in Fat, Salt and Sugar (HFSS) in TV Advertising**⁷⁵ was produced.

Although television still remains the main advertising channel for food products, the time spent watching television is just one component of the way children use media. Research has shown that, given the overall exposure to various screen devices, no type of media or device should be underestimated when assessing the impact of advertising HFSS food to behaviour of minors.

Based on the number of ads and the frequency of broadcasting **by national television broadcasters**, it may be concluded that television advertising of food and drinks high in fat, salt and sugar (HFSS) **may have only a limited direct impact** on habits and



behaviours of minors regarding the consummation of HFSS food. Over the period observed⁷⁶, **there was no targeting of minors** by timing of HFSS food and drink ads (broadcasting ads during, immediately before or after the programmes intended for children). The qualitative analysis of ads, over the period observed, did not reveal any ads targeting minors specifically.

When it comes to **foreign TV programmes**, based on the number of ads and frequency of advertising HFSS food and drinks, it can be concluded that **direct impact may be more significant than in case of domestic TV broadcasters**, but that it is not decisive. Given the qualitative analysis of such ads, unlike the HFSS food ads in television programmes of Montenegrin broadcasters, there was some **targeting of minors** with such ads. Trying to explain the above, it should be borne in mind that the number of HFSS food ads and the frequency of broadcasting vary significantly from one television to another.

*
* *

Prevention of hate speech in media, protection of human rights and promotion of tolerance

In 2019 there were no cases related to hate speech in electronic media. Nevertheless, considering the overall societal context and the increasing presence of offensive, discriminatory and hate speech on online platforms, AEM conducted a number of actions aimed at strengthening the capacities of electronic media and preventing spilling over of such speech from online into electronic media.

Gender stereotypes are preconceptions attributing men and women the characteristics and roles determined and limited by their sex. As commonly believed, gender stereotypes may incite to

⁷⁵AEM document no. 02-1117 of 02 October 2019.

⁷⁶The analysis was done based on the data gathered between 22 and 28 July 2019, and 7 and 13 September 2019.

gender discrimination and constitute a serious impediment to gender equality. Gender stereotyping may limit the development of talents and abilities of girls and boys, women and men, their educational and professional experiences, and life opportunities.

Given that modern media are closely linked with forming cultural identities, and the claims that the presence of female or male faces, voices and characters in audiovisual media has a significant impact on experience and creation of values, attitudes and behaviours of viewers concerning gender and gender stereotypical patterns, in March 2019 AEM conducted the analysis on the **Visibility of Women and Men in Prime Time News on National Televisions**⁷⁷.

Given the findings – journalism is primarily a female profession. Almost 60% of broadcasts over the observed week were produced by women. Data show that there are at least twice as many women journalists as men in all subject areas, with the exception of sports. The analysis has revealed that women appear more often as recognisable faces (anchors) in prime time news programmes than men.

The greatest difference in the presence of women and men in prime time news referred to women and men appearing as interlocutors. Out of 402 statements taken from relevant interlocutors, in all four monitored televisions, only 20% were given by women. The greatest distinction in the number of interlocutors by sex is the topic itself: violence and crime, economy and politics; here, women appeared as interlocutors in only 10% of the cases.

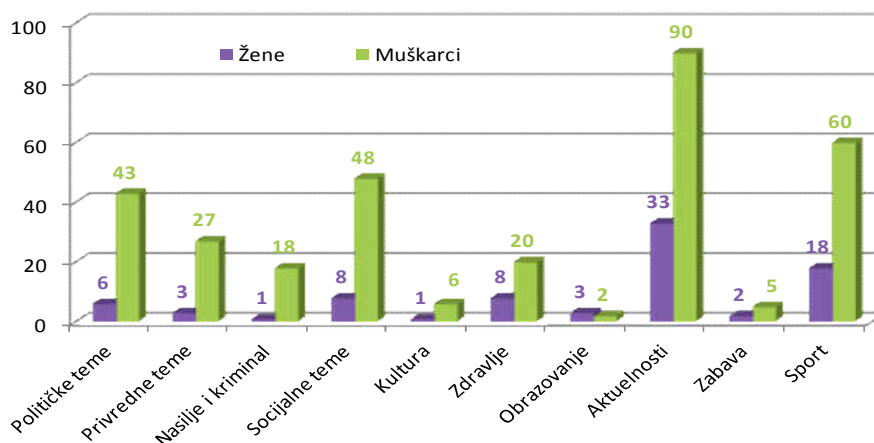


Figure 19.: Interlocutors in the broadcasts observed (number of broadcasts, by topic)

*

* *

The role of the media is particularly highlighted in promotion of tolerance and social inclusion of all vulnerable groups, including LGBTIQ, and the responsibility of the media to act as a barrier to negative stereotypes. It is the task of the media to relay objective and impartial information, to be unbiased and contribute to a wider anti-discriminatory context in society.

⁷⁷ AEM document no. 02-329 of 04 March 2019

Current affairs programmes of seven Montenegrin televisions were analysed during the Pride Week, between 16 and 21 September 2019, leading to the publication of the **Information Brief on Television Reporting during the Pride Week – September 2019**⁷⁸. Almost 80% of information pertinent to the Pride Parade was published on the day of the event, while the amount of information during the other days was quite negligible. This should particularly be seen in the light of the fact that the Pride Parade week is the one when LGBTIQ persons are most visible in the media. The broadcasts observed were not significantly comprehensive, judging by the diversity of themes and journalistic formats, when covering the topic by analysing various contents and phenomena, seen from different angles. The reporting was limited solely to the informative component of the event. Although not supportive of prejudice and discriminatory narratives, such reporting is nonetheless one-dimensional, quite generalised coverage of the topic without any attempt to sensitise the public and foster building the capacities of a democratic society.

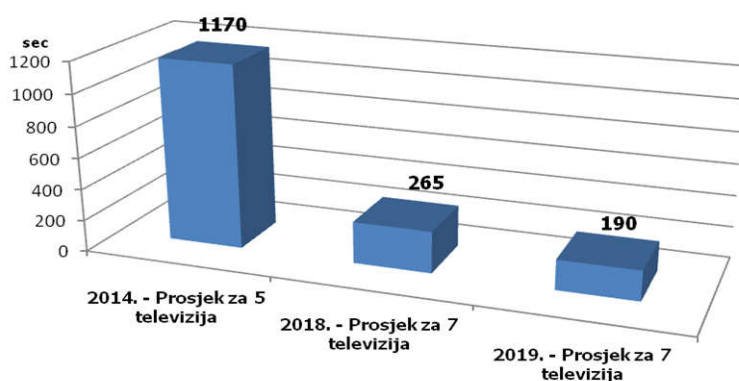


Figure 20.: Amount of information in prime time news, 2014. VS 2018. VS 2019. (on average, in seconds)

14. Increased accessibility to persons with disabilities

In 2019 AEM continued with the activities aimed at improving the accessibility of programmes to persons with disabilities and increasing the selection of programmes covering the issues relevant for this vulnerable population. Particular attention was devoted to improvement and enhancement of cooperation with the organisations and institutions promoting the rights and improving the position of persons with disabilities in Montenegro.

In February 2019 a Cooperation Agreement was signed between AEM and the Union of the Blind in the process of ratifying the Marrakesh Treaty⁷⁹, and in reference to the activities for enhancing media legislation and its alignment with the EU standards. The key aim of the Agreement is to increase significantly the share of broadcasts adapted to persons with disabilities, and the ones dealing with the issues relevant for persons with disabilities in the programmes offered by Montenegrin broadcasters.

In the process of legislative amendments (in the section governing the obligations of electronic media, public broadcasters in particular), with the support of AEM, the Union of the Blind drafted a set of proposals towards drafting and adopting provisions harmonised with the EU standards and in line with the principles of the UN Convention on the Rights of Persons with Disabilities.

⁷⁸ AEM document no. 02-1056 of 25 September 2019

⁷⁹ https://www.wipo.int/marrakesh_treaty/en/ - the Treaty was adopted in June 2013 at the Assembly of the World Intellectual Property Organisation (WIPO). Its application is intended to facilitate the accessibility of books to person who are unable to read standard print materials. In addition to visually impaired persons, this also includes persons suffering from dyslexia, a disorder that involves difficulty in recognising the print text, as well as other persons who, due to various systemic and organic conditions, are unable to hold and read books in a conventionally acceptable manner.

Aiming to improve the capacities for monitoring and understanding the requirements and needs of persons with disabilities regarding the media, in 2019 the AEM representatives took part in the activities organised by associations and non-governmental organisations dealing with improving the position and rights of persons with disabilities in Montenegro.

Among others, the events organised by the Union of the Blind were particularly significant:

- International convention on the Marrakesh Treaty and its Benefits for Persons Unable to Read Standard Press, held on 28 February 2019 in Podgorica. The event was organised within the framework of the Paving the Way to Ratifying the Marrakesh Treaty in the Western Balkan Countries, a project supported by the European Blind Union.
- A round table discussion on Anti-discrimination of persons with disabilities (PwD), held on 22 November 2019 in Podgorica within the framework of the Legal Support through PwD Counselling Services, a project supported by the Ministry of Justice. On the occasion, the findings of the survey on the discrimination of persons with disabilities were presented, which showed that out of 71 respondent PwD none recognised the media as institutions fostering the rights of PwD, and 23.9% respondents believe to be discriminated in accessing information, in communication and technologies.

The activities implemented by the Association of Parents of Children and Youth with Disabilities "Staze", Podgorica, within the framework of the Legal Right to Rights project gave a significant contribution to raising awareness of the role of the media in promoting and protecting the rights of persons with disabilities. These include:

- A seminar on the Legislative Framework and the Rights of PwD, held on 8-9 June 2019 in Žabljak, for the members of Montenegrin media to acquaint them with the rights of persons with disabilities, particularly children with intellectual disabilities;
- A round table on Legislative Framework and the Rights of PwD, held on 25 November 2019 in Podgorica, presenting the recommendations for improving human and legal rights of persons with disabilities and resolving other related issues in Montenegro that were formulated during the project implementation.

15. *Administrative supervision measures*

In 2019, AEM registered, identified and handled the cases, pronouncing measures to broadcasters for noncompliance with programme standards, AVM commercial communication standards and defaulting in payment of the annual broadcasting fee.

In 2019, AEM **issued 119 warnings**, as follows:

- 110 ex officio
- 9 upon complaints

The total of ten appeals were lodged against **first instance decisions** pronouncing warnings or other documents setting rights and responsibilities of AVM service providers, out of which **two appeals** in cases instigated upon complaints against broadcasters, and **six appeals** in cases instigated ex officio.

The AEM Council rejected seven appeals as ill-founded, while the first instance body handled three appeals.

*

* *

Complaints against broadcasters

Between 1 January and 31 December 2019, AEM received 21 **complaints against broadcasters** as follows:

- „TV Vijesti“ – six complaints
- „TV Nova M“ – five complaints,
- „Prvi program RTCG“ (TVCG1) – three complaints,
- „TV Herceg Novi“ – three complaints,
- „TV Prva“ – one complaint,
- „TV Pljevlja“ – one complaint,
- „Radio Herceg Novi“ – one complaint,
- „Radio Svetigora“ – one complaint.

In the first instance, 11 complaints were rejected, eight accepted with the corresponding number of warnings issued. One complaint is currently being handled, while one case was suspended, since the broadcaster confirmed the intention to continue broadcasting via the multiplex DVB-T2 network with local coverage MUX PV LI.

The largest share of warnings issued upon complaints (**four warnings**) in 2019 was on the account of violation of programme standards (Art 55 LEM, and Art 7, Art 8 and Art 11 of the Rulebook on Programme Standards in the Electronic Media).

Four complaints against television broadcasters referred to the violation of provisions on AVM commercial communications. In the first instance, **two complaints** were accepted and the corresponding number of warnings issued for broadcasting not easily recognisable and surreptitious audiovisual commercial communication, as well as exceeding the maximum allowable duration of advertising per hour of broadcasted programmes. **Two complaints** were rejected, one on the account of the administrative procedure already conducted in the same administrative matter⁸⁰, and the other for being ill-founded⁸¹.

In the second instance, the AEM Council received **two** appeals, where **one** concerned the first instance decision⁸² issuing a warning to the television broadcaster in question, and the other the decision to reject the complaint against a television broadcaster⁸³. Both were rejected as ill-founded.

Complaints against on-demand AVM service providers

In 2019 AEM received **five complaints** against on-demand AVM service providers. In the first instance, **two complaints** were accepted, with two warnings issued, while **two complaints** were rejected, and **one** case resulted in a letter being sent to the operators to comply with stipulated PIN-coding requirements⁸⁴. One warning was issued due to the failure to conclude a contract of non-exclusive use of audiovisual works from the repertoire of the Organisation for Protection of Rights of Film Producers in Montenegro – “A PRAVA MONTENEGRO”, and the other for failure to put the TV programmes in catalogue in the order set by the Rulebook on Awarding Licences for On-Demand AVM services.

Complaints against e-publications

⁸⁰ AEM Decision ref. no. 02-1248/1 of 18 December 2019

⁸¹ AEM Decision ref.no. 02-57/4 of 26 February 2019

⁸² AEM Council Decision ref.no.. 01-414/5 of 10 June 2019

⁸³ AEM Council Decision ref.no. 01-417/5 of 28 May 2019

⁸⁴ Document ref.no. 02-897 of 12 July 2019

Moreover, in 2019 AEM received **six complaints** against e-publications – web-based portals. All six were rejected in the first instance. In the second instance, the AEM Council received **two** appeals against the decisions to reject complaints. Both were rejected as ill-founded⁸⁵.

*
* *

Cases conducted ex officio

In 2019, AEM instigated **120 cases ex officio and pronounced 110⁸⁶ warnings**, while **five** cases were suspended, **two** cases ended with the broadcaster rectifying the irregularities observed within the timeframe stipulated, and **two cases⁸⁷** are still pending.

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

- 22 warnings for failure to comply with the programme schedule or structure as established by the respective Broadcasting Licence (Art 58 and Art 59(5) LEM, 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);
- 23 warnings for violating the standards regarding audiovisual commercial communications: surreptitious advertising, broadcasting not readily recognisable as AV commercial communications, breaching the terms set for sponsored AVM services and programmes, exceeding maximum allowable duration of advertising per an hour of broadcasted programme, breaching the standards referring to product placement and advertising alcoholic drinks;
- five warnings for violating programme standards;
- three warnings for failure to comply with the obligation of AVM service providers to submit, upon AEM's request, the data, information and documents necessary for performing its regulatory function;
- one warning for breaching broadcaster's obligation to store broadcasted programmes in terms with the legislation governing media and the legislation governing protection of cultural property;
- one warning for violating the Rulebook on Rights and Obligations of Broadcasters during Campaign for Local Elections in Tuzi.

On the account of violations of Art 44(2) of the Law on Electronic Media, Art 16 of the Rulebook on the Amount, Method of Calculation and Payment of Licence Fees for AVM Service Provision⁸⁸ and the obligations set in item 6 of the Broadcasting Licence concerning **delinquency in payment of the annual broadcasting fee**, AEM issued **56 warnings**.

In the second instance, **AEM Council received six appeals** against AEM's first instance decisions. Three appeals were considered by the second instance body (in two cases the procedure was terminated since the appeal was withdrawn, and one appeal was rejected as lodged by an unauthorised person)⁸⁹, while three appeals were rejected as ill-founded⁹⁰.

The overview of warnings issued ex officio is given in **Appendix 1 – An Overview of Warnings Issued** (upon complaints and initiated ex officio).

⁸⁵ AEM Council Decision ref.no. 01-325/3 of 15 April 2019 and no. 01-345/3 of 15 April 2019

⁸⁶ The cases 02-190 and 02-406 (Radio Corona) closed with a single Decision 02-406/1 of 03 April 2019

⁸⁷ Two cases instigated against Radio Fatih 02-157 28 January 2019 and 02-1227 of 01 November 2019;

⁸⁸ Official Gazette of Montenegro 25/11, 26/12, 38/14, 18/15, 11/16, 61/18, 83/18 and 43/19.

⁸⁹ AEM decisions no. 02-1093/3 of 21 October 2019, br. 02-1332/4 of 23 December 2019 and no. 02-1333/4 of 23 December 2019

⁹⁰ AEM Council Decision no. 01-730/6 of 20 August 2019 no. 01-1104/2 of 22 October 2019 and no. 01-1091/2 of 22 October 2019

16. *Competition protection*

The Agency for Electronic Media and the Competition Agency continued cooperation based on exchange of information relevant for promotion and protection of competition, and prevention of abuse of dominant position in the market or markets of the services which are a precondition for provision of and/or access to the AVM services.

In this context, in 2019 the Competition Agency approached AEM on three occasions requesting data and opinions necessary for conducting the **analysis of competition in the market for purchase, production and sale and distribution of media contents within the territory of Montenegro by means of various technologies.**

Upon the initiative of the company "MTEL" d.o.o., the Competition Agency instigated a procedure to **examine possible limitation or prevention of competition in related markets** (wholesale of TV programmes, retail distribution of TV programmes), i.e. violation of competition under Art 15 of the Law on Protection of Competition by the company "Telemach" d.o.o.

Although AEM holds no data about the markets observed, this initiative was interesting since its focus was on the impact of market competition on exercising or limiting access to sport programmes on TV believed to be very significant for Montenegrin citizens, both users and buyers of programmes through different cable operators within Montenegrin territory.

In this regard, AEM indicated that Art 67 of the Law on Electronic Media stipulates that the AEM Council draws up a list of national or non-national events of major importance for Montenegro's society for which it determines whether these events should be available by whole or partial live coverage, or where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage. Thus, the AEM Council adopted the Decision on the List of Events of Major Importance for the Public in Montenegro⁹¹.

It was highlighted that access to attractive programmes, particularly sport and entertainment ones in any of the regional languages (including the subtitled or dubbed ones) is an important aspect when selecting or changing the service or service provider. This aspect is gaining in importance when making such a decision and outweighs the choice of technology. Hence, when it comes to the selection among different services with conditional access, the price (of equipment and subscription fee) and access to desired programmes play a more important role than the technology itself (cable, DTH, IPTV, DVB-T2).

Therefore, for creating the offer of service providers and their competitiveness, the substitutability of certain TV programmes with some other similar and attractive programmes in case of limiting or denying access to the TV programme is of major importance. It was also pointed out that the substitutability of a certain programmes is directly affected by acquired exclusive broadcasting rights for major sport events or distribution of films and serials.

Without prejudice to the above, AEM stressed that there was no justification in imposing any duty of establishing cooperation on any company disposing of exclusive rights to distribute any programmes for the territory of Montenegro and via certain platforms with other operators in Montenegro.

Regarding separate initiatives submitted by "MTEL" d.o.o. and „Crnogorski Telekom" a.d., the Competition Agency instigated the procedure to **examine possible violation of competition on the count of actions which may constitute the abuse of dominant position** (under Art 15 of the Law on Protection of Competition) by "Nova M" d.o.o., by imposing unjustified purchase or sale prices or other unjustified trading terms.

⁹¹ Official Gazette of Montenegro 11/12.

The key issue of this initiative was whether the provisions of the Law on Electronic Media were violated by excluding from the catalogue of services of two significant operators („MTEL" d.o.o. and „Crnogorski Telekom" a.d.), the programmes of “TV Nova M“, whose broadcaster is the holder of exclusive rights to broadcast all home and away games of the national (male senior) football team, established as the event of major importance for the domestic public under the Decision on the List of Events of Major Importance for the Public in Montenegro.

AEM indicated that television broadcaster “TV Nova M“ acquired the right of access to the first national multiplex MUX 1, and by doing so has the 95.88% coverage of Montenegrin territory, so that the broadcaster meets the requirement for exercising the exclusive broadcasting right for events of major importance for the public in Montenegro, since it enables the possibility of following such events by live or deferred coverage on free television for at least 60% of Montenegro’s population (Art 66(2) LEM).

It was also pointed out that a broadcaster’s right to continue using exclusive rights to broadcast events of major importance cannot be brought into question if this programme will not be or is not distributed by one or more on-demand AVM service providers (with conditional access), such as “Crnogorski Telekom“ a.d. and “Mtel“ d.o.o.

17. *Radio digitization*

In 2019 AEM focused particular attention to introduction of digitized radio. The bulk of the activities undertaken was done in close collaboration with the Agency for Electronic Communication and Postal Services with the aim of creating an environment conducive to further development of the overall broadcasting system, including the development of an advance platform for radio broadcasts.

By the joint decision of the directors of AEM and the Agency for Electronic Communication and Postal Services, a working group was established that drafted **Strategic Starting Points and Guidelines for Introducing Digital Radio in Montenegro**⁹². Apart from the representatives of both agencies, the working group included members from the Ministry of Economy, the Ministry of Culture, public companies “Radio-difuzni centar“ d.o.o. and “Radio televizija Crne Gore“. This document covers the issues concerning the regulatory, technical, technological and economic framework, programme obligations of radio broadcasters in Montenegro, subsidy models for reception and transmission equipment, measures to promote and increase awareness among the wider and professional publics about the process of introducing digital radio in Montenegro, as well as the issues relevant for the pilot project of terrestrial digital radio. It contains a set of conclusions and proposals for future steps, primarily the necessary measures to be undertaken by competent authorities to ensure timely and effective implementation of the radio digitization process in Montenegro.

With a view of more detailed information on the process of introducing digital radio, the possibilities offered by radio digitization to all players in the radio broadcasting market and the challenges accompanying the process, the two Agencies were co-hosts of the presentation of digital radio in the Republic of Croatia, which was held in Podgorica on 25 May 2019. The event focused on the experiences Croatia had with introducing the digital radio, the regulatory framework for introducing digital radio and the role of public broadcaster in the process. The experiences of the company “Odašiljači i veze“ d.o.o. in this process were shared, together with the experiences and reactions of users to the new radio service. In addition, the availability of reception equipment for households and cars in Croatia was also discussed. Particular attention was given to the issues arising from the EECC Directive regarding the interoperability of car radio receiver devices, which envisages that as of 21 December 2020 (two years after entry into force of the EECC Directive) the cars of

⁹² <http://aemcg.org/obavjestenja/smjernice-za-digitalni-radio>

certain categories placed on the EU market will have to include a receiver able to receive and reproduce at least digital radio service provided via terrestrial digital broadcasting. In addition, technical aspects of introducing digital radio were also discussed, such as: planning and commissioning digital radio transmission network; setting up digital radio multiplex, transmission and processing devices; comparing the prices between FM and DAB+ in the same service zone as the DAB+ network in the Republic of Croatia.

Respecting the roles of the ministries of economy and of culture in the overall policy planning and state-level decisions, and given the responsibility of the Government of Montenegro to adopt relevant strategy documents, the regulatory agencies hosted a special presentation of starting points for introducing digital radio in Montenegro, attended by the Culture Minister, Aleksandar Bogdanović and the Secretary General to the Ministry of Economy, Milan Srzentić. The activities of relevant actors (primarily ministries and regulatory agencies) to be implemented in the coming period (in 2020) were discussed on the occasion, primarily with the aim of creating an environment conducive to further development of these systems in Montenegro.

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 “M-tel“ d.o.o. Podgorica. 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 (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 2019, the total number of connections for distribution of radio and television programmes via different platforms with conditional access was **235.999**.

Compared with the data at the end of 2018, the number of Pay-TV service users increased by **17.866** or **8.19%**.

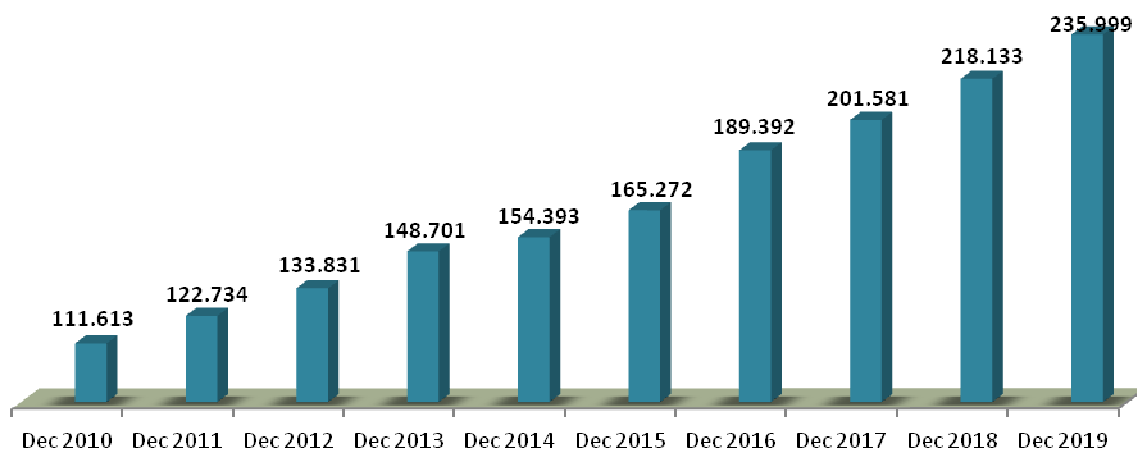


Figure 21.: Number of connections using conditional access platforms (Pay-TV)

At the end of the period observed, the total number of connections exceeded by 21.15% the total number of households in Montenegro, i.e. number of connections for natural persons exceeds by 16.79% the total number of households.

These data show 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 municipalities⁹³ the number of connections stands at some 76% compared to the number of households. Based on the above, the assumption is that approx. 13,000 households (around 6.70%) still use only free (Free to air) television.

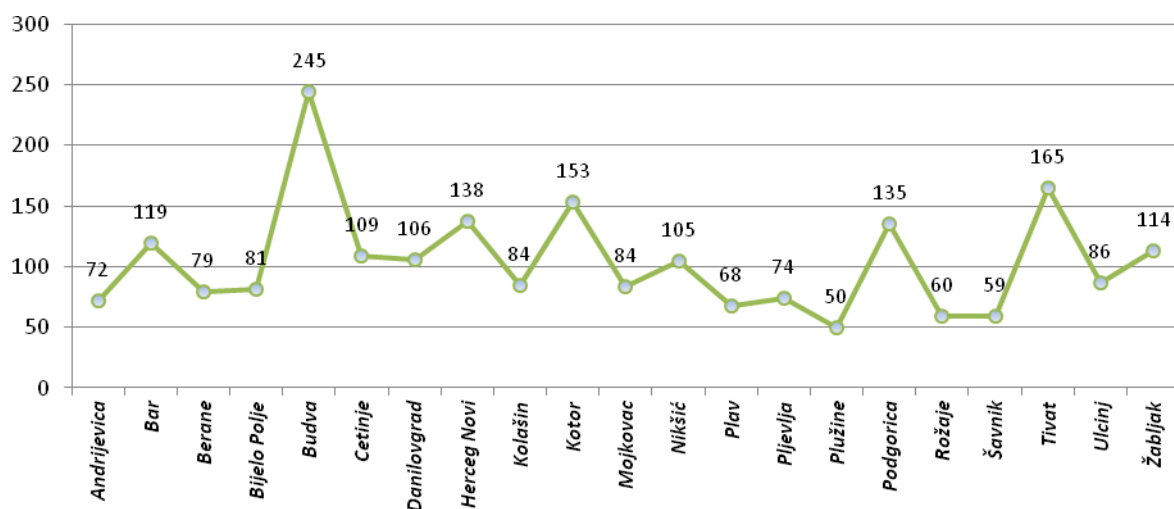


Figure 22.: Connections to conditional access platforms compared to the number of households – by municipality

Looking at the number of connections in reference to the number of households, the demand is greatest in the coastal region, 146.30%. This means that the number of connections to conditional access platforms in this region exceeds the number of households by 23,448 in total. This is followed by the central region with 124.35%, and the northern with 76.37%. Although the number of users of conditional access is increasing steadily, only a negligible share of the increase refers to the northern region.

Looking at the shares of different platforms with conditional access, KDS with the share of 42.30% holds the leading position in the market for the distribution of radio and TV programmes to end users. It is followed by IPTV (30.39%) and DTH (23.15%). The share of DVB-T2 is 4.15%.

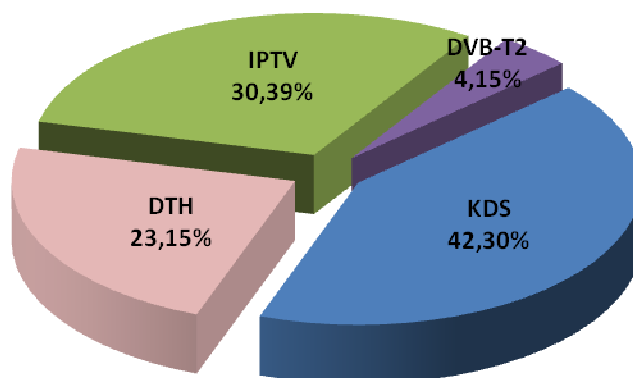


Figure 23.: Market shares of different platforms with conditional access

⁹³ Northern region: Andrijevica, Berane, B. Polje, Kolašin, Mojkovac, Plav, Pljevlja, Plužine, Rožaje, Šavnik, Žabljak.
Central region: Cetinje, Danilovgrad, Nikšić, Podgorica.
Coastal region: Bar, Budva, H. Novi, Kotor, Tivat, Ulcinj.

Over the period observed, the average price of the basic package amounted to €11.04 (the highest being €18.90, and the lowest €5.08). Basic packages include, on average, 88 television packages (220 as the highest, and 17 as the lowest number).

The operators offering additional packages, on average offer six additional packages (12 as the highest, and 1 as the lowest). The average price of an additional package is €7.02 (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 €12.11 a month.

MEDIA LITERACY PROGRAMME

Under the influence of technological changes and the focus on protecting children in media, AEM intensified the activities around safeguarding minors against the adverse impact of certain media contents.

In 2019 the activities in this respect revolved around the continuation of the **media literacy campaign “Let’s Choose What We Watch”**, implemented in cooperation with UNICEF Montenegro.

Believing that the section of the campaign addressing young people will be most effective if young people themselves are involved as active partners on the campaign, the Young Reporter project continued.

Raising awareness about the importance of media literacy of parents, caregivers and children, and the importance of choosing the media contents for children.

Develop skills of conscious choice of exposure to media contents, the ability to critically assess and analyse information and media messages.

Goals of the “Let’s Choose What We Watch” campaign

The opinion poll of March 2019 showed that the **percentage of people who heard of the “Let’s Choose What We Watch” campaign increased by 17% compared to August 2018**. This is illustrative of the effects achieved by the campaign over half a year only. Such results encourage AEM to continue with the activities to foster media literacy. AEM sees the media, state authorities, international organisations, nongovernmental organisations, associations of parents and educational institutions as key partners on this task.

In 2019 the **training of young reporters** continued; this activity involves training of secondary school students about ethical reporting on children, the issues of media literacy and similar, where, among other things, they learn how media operate. In response to the needs of young people, trainings are delivered over the weekend. The aim is to train them to act as journalists /correspondents and as contact persons and prospective interlocutors for the media when making features on the rights of the child made by professional journalists who want to hear the opinions of children. This is expected to develop the skills needed for effective expression through various media, and thus they would be useful interlocutors for the media. Also, the aim is for young reports, supported by professionals from local media, to make their stories (narrative, photo, video, etc.) about the issues relevant for protection and exercise of the rights of the child.

The campaign activities in 2019 were largely based on the findings of the 2018 survey Children, Parents and Media⁹⁴ conducted within the framework of the “Let’s Choose What We Watch” campaign by the IPSOS agency for the needs of AEM and UNICEF.

Three decades after the adoption of the UN Convention on the Rights of the Child, the rights have not changed, but rather children grow up facing new challenges of the digital age. That is why the young reporters within the media literacy campaign marked 20 November as the Children’s Day and the anniversary of the UNCRC adoption by organising a public discussion on the issues of digital and media literacy.

In their original way, young reporters organised “taking over” of some institutions and talked to respective managers about the issues important for children and youth.

When **young reporters “took over” the Ministry of Culture** for a day, the Minister Aleksandar Bogdanović assigned them his seat. Based on the findings of the Children, Parents and Media survey, young reporters had an open discussion with the Minister about culture and media for children in Montenegro.

⁹⁴ <http://www.medijiskapismenost.me/istrazivanje-djeca-roditelji-i-mediji/>

The Minister of Culture noted that children and young people should take a more active role in developing culture policy intended for the youngest audiences. He used the meeting with young reporters to invite them to join in and partake in programming cultural needs of children and youth through the development of the next five-year Culture Development Programme 2021 to 2025.

Young reporters particularly highlighted the findings of the Children, Parents and the Media survey showing that two thirds of children in Montenegro did not go to theatre in 2017; that 75% of children did not visit a museum; that 85% did not see an exhibition; close to two thirds did not go to a concert. In their view, such findings reflect significant educational and cultural poverty of children, and by extension a spiritual poverty of a society.

Agreeing to such assessments, the Minister invited young reporters to provide support in determining the reasons why children and young people have such an attitude towards consuming works of culture and arts.



Young reporters also reminded the Minister that there are many children in the country who would gladly go to concerts, theatre plays, ballet or opera, but have no such possibilities, since nothing of the sort is offered in their places of residence or is offered only sporadically, particularly in the northern region. In addition, admission fee is paid for any of these cultural activities, and a large number of parents are not able to enrol their children in art schools or centres to develop their talents, and become culturally literate. So, they stated that the state should enable and support as many cultural activities that would be free of charge for children and youth across Montenegro.

Minister Bogdanović promised that the programmes of all institutions of culture under the remit of the Ministry of Culture will be accessible and visible in all Montenegrin towns, also as visiting theatres. As he put it “...Montenegrin National Theatre and the Royal Theatre 'Zetski dom' will be performing, apart from Podgorica and Cetinje, also in other towns of the southern and the northern regions of Montenegro“. The same rule will apply for the concerts organised by the Music Centre of Montenegro and exhibitions of the Centre for Contemporary Art. He noted that not much money is needed for acquiring cultural habits, and that most culture programmes are available free of charge to both children and adults. He named classical music concerts, art exhibitions, book presentations as events with free admission, while the admission fee for group visits to theatres, cinemas and museums is quite symbolic. He also expressed the readiness on the part of the Ministry of Culture to support any culture activity pertaining to children and their creative actions.

When **young reporters “took over” the EU Delegation to Montenegro**, Head of the Delegation Aivo Orav said that media literacy is the key to combat fake news, disinformation and violence against children, but is at the same time necessary for gaining key life skills for 21st century. He stressed that free media are the foundation of each society, and participation of children and youth is vital. He praised the participation of youth reporters in the Wadada News for Kids and expressed his hope that it would inspire other media to include young people more in developing their programmes.



Young reporters observed that online violence is one of the new problems children and youth are facing in the digital era, as indicated by the Global Kids Online survey⁹⁵ with children aged 9 to 17 as respondents. According to the findings of this survey, compared to European averages, children in Montenegro are more worried about online bullying. Ambassador Orav said that in today's environment children need skills and tools for safe and responsible use of internet, provided by a media literate environment, and that EU pays great attention to the issue. Thus, EU supported the opening of safe internet centres in EU member states, and in Montenegro there is a portal entitled Better Internet for Children⁹⁶.

Given that fake news are one of the main concerns of a digital age society, young reporters asked for advice regarding combating fake news. According to Ambassador Orav, the best advice is to foster professional and independent media, empower journalists and encourage digital and media literacy. He also believes that healthy, responsible and successful media community and educated citizens have a major role to play in curbing fake news and destructive disinformation campaigns.

Training for production of quality TV programmes for children and youth in Montenegro

The Children, Parents and Media survey showed that less than one third of parents (29%) and children (27%) believe that Montenegrin televisions have enough programmes adapted to children of different ages, or programmes that children find interesting, useful, inspiring or educational. Most parents (59%) believe that it is important for their children to watch TV programmes featuring children of the same age as theirs. Children want to watch TV programmes in which children of their age do similar things as they do. One in two children wish to take part in making TV programmes, and 42% of them already made some video recordings. One in two parents support the idea of their children taking part in producing media programmes for children and young people. Parents would recommend to their children to watch some TV programme primarily for

⁹⁵ <https://www.unicef.org/montenegro/media/8856/file/MNE-media-MNEpublication324.pdf>

⁹⁶ <https://www.etwinning.net/bs/pub/newsroom/highlights/etwinning-and-friends-better-.htm>

being funny, then educational. The same criteria are largely chosen by children as well, showing the demand for such programmes for children and young people.

With the above in mind, within the framework of the “Let’s Choose What We Watch” media literacy campaign, AEM with the Prix Jeneusse foundation⁹⁷, delivered training for general television broadcasters in Podgorica in January 2019. The aim was to build capacities for production of quality TV programmes for youth in Montenegro.



The Prix Jeneusse Foundation hires as trainers experienced experts from around the globe, and the training in Montenegro was delivered by Mr Jan Willem Bult, head of the Dutch centre Children, Youth and Media. He has many years of experience in working for the Dutch public broadcaster in the production of programmes for children and young people, serials and films, a winner of many awards such as Prix Jeunesse International, Japan Prize, Dutch Academy Award, Dutch Golden Calf, Cinekid Kinderkast and Prix Danube.

Wadada News for Kids training

The Children, Parents and Media survey showed, among other things, that children and parents want to see greater and higher quality local production of media programmes for and with children and young people. While most parents (59%) believe that it is important for their child to watch TV programmes including children of similar age as their children, children primarily are interested in watching such programmes in which children of their age do similar things as they do.

Given the above, and the fact that one in two children want to partake in TV production, through the “Let’s Choose What We Watch” campaign, AEM tried to motivate and mobilise the national public broadcaster RTCG to improve the offer of programmes for children and young people.

For this reason, in February 2019 AEM hosted the **Wadada News for Kids**⁹⁸ training aimed at supporting RTCG to launch the production and broadcasting of news for kids. The training was

⁹⁷ „Prix Jeneusse“, or “Youth Award” (<https://www.prixjeunesse.de/>), is a unique, the largest and the oldest festival of TV programmes for young people in the world founded in Munich in 1964. For decades already the Prix Jeunesse Foundation has delivered training worldwide for production of quality TV programmes for young people relying on the best and most innovative examples of TV programmes that received awards at this world festival, including the ones that received UNICEF special award for active participation of children in the media. Its partners, apart from UNICEF, include also UNESCO, EBU (European Broadcasting Union), Friedrich Ebert Foundation, the American Center for Children and Media, etc.

⁹⁸ <http://www.wadadanewsforkids.org/> The international network of organisations Wadada News for Kids, in cooperation with media in various countries around the world, was established by the Dutch non-for-profit organisation Free Press Unlimited.

attended by the journalists from the children's desk in TVCG, together with cameramen and editors. This was an opportunity to produce programmes for kids in line with Wadada standards.

Following the training, the TVCG children's desk got access to online newsroom in Wadada format made by young people from all continents. This enables to broadcast on TVCG all materials available in the newsroom free of charge.

A specific output of the Wadada News for Kids training is that TVCG Children's Desk started broadcasting on TVCG1 News for Kids Montenegro, following this internationally recognised format. They started broadcasting in May 2019, and since then continued with news for kids before the prime time news Dnevnik at 19:30.

Wadada News for Kids Montenegro is produced by UNICEF volunteers – young reporters from the media literacy campaign, together with the professionals from the TVCG children's desk. Thus, for the first time, young people are included in producing news for young people. At the same time, this is the only media programme of the sort offered in Montenegro to children and young people in Montenegro. All materials of Wadada News for Kids



Montenegro are available in the international newsroom used by all partners in the cooperation network. Experiences from other countries show that Wadada News for Kids is one of the most popular shows among families, i.e. it is not followed by children only, but also by their parents and other family members, since it is a news programme dealing with the same topics as the news for adults, but covered in a manner that is easier to follow and more interesting.

The Children, Parents and Media survey showed that most children and young people equally like watching video materials on TV or the YouTube channel or prefer YouTube. This is indicative of the need to regularly post materials intended for young people also via social networks. For this reason Mr Jan Willem Bult, the Head of Children, Youth and Media, as the trainer, together with the UNICEF and AEM staff, supported the journalists of TVCG children's desk to make Wadada News for Kids available via social networks.

“Let's Choose What We Read” campaign and TV spot

The Children, Parents and Media survey showed that one in five children aged 9–17 have not read a single book beyond school requirements over the last year; the same is true for 43% of parents.



Therefore, on the occasion of the International Children's Book Day, celebrated since 1967 on 2 April, on Hans Christian Andersen's birthday, young reporters from the media literacy campaign read and gave books as a gift to citizens of Podgorica. This was positively received by people of all ages. Particularly more mature people encouraged young reporters to continue with similar actions showing that reading is the basis of any literacy, both for individuals and society at large. Interacting with members of the public, young reporters also acquired new experiences.

The video recordings of this young reporters' action was made into a TV spot promoting media literacy campaign under the slogan "Let's Choose What We Read"⁹⁹ aimed to remind children and parents alike that reading is the basis of media literacy. All broadcasters responded to the call to broadcast the spot free of charge, and thus helped spread the culture of reading and building a media literate society in Montenegro.

Young reporters urge their peers and younger children, parents and teachers to read and talk with each other about what they read. Their message was that well-read persons are interesting interlocutors.

Press conference on the occasion of the World Immunisation Week

On the occasion of the World Immunization Week¹⁰⁰ young reporters of the media literacy campaign and the director of the IPSOS Montenegro Mr Vladimir Raičević talked about the importance of media literacy for public health.



In 2019 the World Health Organisation declared vaccine hesitancy – delay in acceptance or refusal of vaccines despite availability of vaccination services – one of ten greatest threats to public health.

One of the factors contributing to the increase in the number of non-vaccinated children and outbreaks around the world is spreading of disinformation about vaccines via digital and social platforms. Moreover, smallpox reappeared in a number of countries where it was almost extinct, due to the decrease in the number of vaccinated children.

The Children, Parents and Media survey showed that:

- almost one in two parents (46%) believed some information from the media that later turned out to be false;

⁹⁹ <https://www.medijskapismenost.me/birajmo-sta-citamo-%e2%88%92-nova-poruka-kampanje-medijske-pismenosti/>

¹⁰⁰ The World Immunisation Week is marked each year (last week in April) to raise awareness of the advantages of immunisation. Immunisation acts as a shield for families and communities.

- one in two parents has not even heard of fake news;
- one in three parents find it difficult to assess whether some information is true or not;
- when in doubt whether something they read online is true, most parents continue searching the net and think that what appears the most is true. However, the mere fact that the same information is repeated over and over again does not mean it is true. On the contrary, it can be fake news that has become viral.

Media literacy makes it possible for parents to critically assess all media messages and recognise fake news, which in the case of immunisation has a vital impact on the health of children. In order to recognise fake news about immunisation or any other topic, one needs to examine the source of information and how reliable it is, particularly look for opinions of experts, doctors in this case. On the occasion, we made an animation on how to recognise fake news¹⁰¹.

Press conference on the occasion of the International Day of Families

On the occasion of the International Day of Families¹⁰², young reporters of the media literacy campaign, together with UNICEF Goodwill Ambassador Antonije Pušić, a.k.a Rambo Amadeus, organised a press conference.

The reason behind the conference are the findings of the Children, Parents and Media survey which showed that almost one in three parents (30%) do not limit their children in following age-inappropriate media programmes, or that one in four parents (24%) never or rarely talk to their children about the things found online or on TV that are not appropriate for their age.



Rambo Amadeus pointed out that the main task parents have is primarily to introduce their children to quality – in any respect, because a child who is familiar with quality in any area by extension sharpens own criteria. His message for the parents ***“When your children see you watch trash, don’t expect them to end up at Sorbonne”***, generated much media attention.

Given that the survey has shown that parents in Montenegro, when not sure what programmes are suitable for their children, turn to other parents for advice first, one of the speakers

¹⁰¹ https://www.youtube.com/watch?v=_fvKDteO_c

¹⁰² The International Day of Families is observed on 15th May with the aim of stressing the importance of family as the basic element of each society, to encourage societal actions to the benefit of family, making the decisions that will ensure better standard and quality of family life, as well as the respect for family life, traditions and customs.

at the press conference was a representative of the NGO Parents, Kristina Mihailović. Nongovernmental organisations, such as the NGO Parents, may help the call of the young reporters to reach many parents in Montenegro and move families into choosing what they watch and read, and thus support media literacy and culture in children.

The NGO Parents stress that families are key for media literacy of children, and that first parents need to be media literate. As an association of parents, they wish to deal with this topic, because families have a major impact on developing media literacy in children, particularly in early childhood.

Professor Lidija Vujačić from the Faculty of Philosophy of the University of Montenegro was also one of the speakers. Professor Vujačić stated that to be a media literate person means to have a critical attitude towards the content of poor quality, useless or age-inappropriate, but also to strike a balance between media use and other activities. As guides through programme catalogues, parents should explain to their children which media contents are helpful, and which are harmful, to explain the difference between the real and the virtual world, good and bad role models, pointed out Vujačić. She also noted that is important for parents to hear the messages and opinions of experts on this and other topics.

Young reporters noted they were disappointed to hear that reality TV came first as the most searched video material on YouTube in Montenegro in 2018. They also mentioned that majority of parents as respondents in the Children, Parents and Media survey, 71% of them, when asked how often they watched reality shows on TV, responded never or rarely. The obvious conclusion is that this is a socially desirable response, i.e. that all respondents did not respond honestly to this questions.

Nikola Vučević joined the Let's Choose What We Watch campaign

Famous Montenegrin basketball player and NBA star Nikola Vučević joined the Let's Choose What We Watch media literacy campaign.

On the occasion, he reminded of the worrisome data from the Children, Parents and Media survey showing that one in two children in Montenegro has not attended any sport event over the last year, or that children aged 12-17 on average spend eight hours a day in front of screens.



Vučević said that he decided to support the Let's Choose What We Watch campaign because, as an athlete and a child who grew up on sport fields, he knows how important sport is for development of children. *“Not only in Montenegro, but around the world the problem is that children spend much time in front of screens, and I think this campaign is an excellent thing and I support it wholeheartedly”*, said Vučević. For the second year in a row Vučević is organising Young Basketball

Player camp in Bar. Thus, he wants to support the development of sports and sport activities for children and young people in Montenegro. He says the key is for parents to encourage their children to engage actively in sports, both for health reasons and for developing social skills.

Talking to young reporters of the media literacy campaign, young basketball players from all Montenegrin municipalities sent a message to their peers that it feels much better to play basketball offline – on the court, than online – in video games.

Young reporters were very pleased with having the opportunity to talk to the top athlete Nikola Vučević whom they see as an excellent role model for young people whose voice may reach to parents and children in Montenegro and encourage them to attend sport events and go in for sports.

Climate change and fake news

Within the framework of the Let's Choose What We Watch media literacy campaign, Antonije Pušić, a.k.a. Rambo Amadeus, hosted young reporters and Danilo Mrdak, a professor at the University of Montenegro at his solar-powered sailing boat to remind the public that climate change and global warming is not fake news and invite them to take action for the better future for new generations.

According to the findings of the representative national survey conducted by IPSOS, as many as one in five citizens in Montenegro believe climate change and global warming are fake news.



Young reporters said that the information on climate change is an excellent example how media literacy is significant for the society and the future of our planet. Global warming threatens the whole planet Earth, we all contribute to it daily, and one in five citizens in Montenegro are in denial and see this as fake news, and take no responsibility nor any action to help address the issue.

After sailing with Rambo Amadeus, young reporters called their peers, but also local and national authorities, into action. They invited their peers to plant at least one tree in 2019, parents to drive their cars less and reduce pollution, and walk more or ride a bicycle, and municipalities to enable recycling as soon as possible.

Media and information literacy training for AEM staff

In September 2019, AEM in cooperation with the OSCE Mission to Montenegro, delivered training for AEM staff on media and information literacy.

During the three days of training, trainees dealt with different topics, such as: basics of media and information literacy, deconstruction of media contents, visual disinformation, the principles of media and information literacy (scepticism, practice, asking questions, opening up our minds), developing personal truth measures, understanding, ethics and responsibility. In addition, the training also focused on media presentation and stereotypes, online safety, media vs.

information literacy and freedom of expression, safeguarding minors, hate speech in media and the role of media literate individuals.

Media and Digital Literacy workshop

In December 2019, under their Memorandum of Cooperation, the Faculty of Political Science and AEM delivered a workshop for students on Media and Digital Literacy.

Stressing that journalists must not allow to be creators of fake news, Prof Dubravka Valić Nedeljković, a professor of journalism at the Faculty of Philosophy in Novi Sad, said: *“It is the task of journalists, but also of their audiences, to discover whether there is fraud, to recognise false information, deconstruct what is fake and take a stand on that”*. She claimed that media became irresponsible from the moment when profit was given primacy over information. She stressed three major areas for developing media literacy: the education system, media literacy of the public, and medial literacy of media professionals.

Dr Vuk Vuković from the Faculty of Dramatic Arts Cetinje, spoke of emotional literacy in the era of digital media culture. He explained that media today, apart from provision of information, have also the ethical, aesthetical and emotional aspect to take into account, i.e. the emotions that different media contents (such as the Game of Thrones and Euphoria) stir in the audience. Apart from visual literacy, Prof Vuković spoke of the significance of digital literacy. He warned of the phenomena such as “sexting” and “cyberbullying” that younger generations face on social media.



Let's Choose What We Watch campaign won the global media literacy award

The UNESCO-led Global Alliance for Partnerships on Media and Information Literacy in collaboration with the UN's Alliance of Civilisations and the MIL and Intercultural Dialogue University Network gave the global media literacy award in 2019 to UNICEF Montenegro for the “Let's Choose What We Watch” media literacy campaign and the initiative of young reporters.

Over 70 media literacy initiatives from around the world competed for the prestigious award granted over the previous years to Sorbonne University in Paris, the US Center for Media Literacy, Canada Center for Media Literacy, etc.

At the opening of the 2019 Media and Information Literacy and Intercultural Dialogue Conference, hosted by the Gothenburg University and the Swedish National UNESCO Committee, Ms Jelena Perović, Communications Officer, received the award on behalf of UNICEF Montenegro. She presented the key findings of the media literacy survey Children, Parents and Media and the results achieved so far in Montenegro through the media literacy campaign.

Young reporters' blogs – Young reporters had the opportunity of exhibiting the skills acquired during the training at Vijesti Online portal through a blog. In 2019 the total of 24 blogs entries were posted at UNICEF webpages and at medijskapismenost.me.

By launching the **media literacy website** (<http://www.medijskapismenost.me/>), AEM wanted to bring the topic of media literacy closer to parents and children, to start the public discourse on media literacy. This communication channel is there to send the message that media in itself are neither good nor bad, their impact on the lives of people and their children depends on the way they use it.

In 2019 the total of 103 articles, 213 pictures and 9 photo galleries were posted on the media literacy website. The total of 39 videos were posted on YouTube.

The total **number of hits on this website** in 2019 was 3,278, or 274 a month on average. The largest number of hits was recorded in May (448), and the lowest in February 135. The number of unique visitors over the year was 2,186, with 56% or 1,224 from Montenegro. The Windows platform accounted for 46%, Android for 37.5%, and Apple iOS for 13.6%. Other platforms account for 2.9%.

Visitors reached the media literacy website in the following ways:

- Google search 1481 visitors or 45.1%;
- via the direct link 773 visitors of 23.6%;
- via other websites 648 or 19.8%;
- through social media 376 or 11.5%.

Comparing the number of hits (14.676) with the number of visitors, it may be concluded that an average visitor in 2019 viewed approx. 6.7 pages during one visit and stayed on average 2 minutes and 10 seconds on the website.

In parallel with the website for promoting media literacy, the social media campaign on Facebook and Instagram was also launched.

On 19 November 2019, MINA news agency and NGO “Juventas” hosted a **conference on Improving Media Literacy in Montenegro**.

The speakers in the Media Literacy and Education panel noted that it is only media literate individuals who can avoid prejudice, but also recognise hate speech, propaganda and spinning, as well as covert advertising, attention catching and persuasion techniques. The panel concluded education is needed from as early on as preschool, over primary and secondary school. Media literacy not only needs to be a mandatory subject, but also a cross-curricular theme.

The panellists pointed out that professional and independent media have the interest in the highest degree of media literacy, to publish information that is fully accurate and clear, have the public interest in mind, and have the educational role. As concluded by the panel, media should not succumb under pressure of providing information rapidly to the detriment of verification; rather, news need to be accurate and precise. The media, working professionally and in compliance with standards, the Code of Ethics and human rights, are most conducive to media literacy and achieving trust of their consumers.

During the event the findings of the media literacy survey in Montenegro, done by the NGO Centre for Monitoring (CeMI) with 995 respondents, were presented. It showed that 38.3% respondents believe that Montenegrin media provide reliable and accurate information, while 37.9% partly agree with this statement. Almost half of all respondents believe that Montenegrin media report differently on the same topics, and almost as many respondents are unsure what to believe.

The fact that 43.7% respondents have confidence in Montenegrin media was characterised as encouraging. Only 1% of all respondents, as reported, complained at one point to regulatory and self-regulatory bodies.

AEM staff study visit to the Finnish National Audiovisual Institute

Organised by the OSCE Mission to Montenegro, the AEM members were on a two-day study visit to National Audiovisual Institute of Finland – Kansallinen audiovisuaalinen instituutti – KAVI. The visit aimed at exchanging experiences and learning about the work and the activities of the Finnish regulator in the area of media literacy.

KAVI, i.e. its media education division, is mandated with promoting media literacy and adapting media materials to children. Media literacy is also delivered within the frameworks of several subjects in the Finnish education system. KAVI report to the Ministry of Education and Media, but stress as vital their cooperation with over one hundred different nongovernmental organisations with which they work on media literacy, both through formal education and by working with preschool and school children, in libraries and museums and other relevant institutions.

As one of the most important media literacy projects in the country they stress the Media Literacy Week, implemented every year since 2013, which evolved from the Safe Internet Day campaign. Apart from raising awareness and promoting the importance of media literacy, the aim of this activity is to issue publications, produce educational and working materials for preschools and schools in order to generate new topics and ideas, but also to support teachers in media education. The organisation and coordination is carried out by KAVI, in cooperation with the media, telecommunication operators, youth centres, museums, and nongovernmental organisations. In order to encourage as many actors as possible to partake, the topics and actions are chosen together, and then each institution implements the activities from within their remits.

KAVI also acts as a regulator for audiovisual content in terms for safeguarding children and minor, and it designates age limits (S, 7, 12, 16, 18) for audiovisual materials. Apart from this type of classification, there are also three codes (graphic insertions) showing in more details why the broadcast is not adapted to minors (codes for alcohol use, violence and sexual explicitness).

Over the previous years the statistics and survey findings indicate significant shares of children and youth playing video games. With this in mind, every year Game Week event is organised in Finland, intended as a thematic week promoting critical understanding and approach to video games. The Game Week includes a large number of educational events focusing on games, their influence on young people, prejudice about gaming and how to mitigate and curb such prejudice.

During their two-day stay, the AEM member visited also the Päivälehti Museum, a media history museum, which shows the method of operation and equipment used in printing books, newspapers and magazines in 19th century. The study visit also included the visit to the Finnish Periodicals Publishers Association (FPPA) – Aikakausmedia. Over 250 publishers of magazines and 500 magazines and online publications in Finland are members of the FPPA protecting publishers' interests. The FPPA mission is to develop tools to assist the industry to respond to the changes in the media landscape. Its special tasks include the promotion of media literacy, education, branding, marketing, research and communication.

INTERNATIONAL COOPERATION

In 2019 the AEM representatives took part in regular activities of 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 OSCE Mission to Montenegro, UNICEF Montenegro, the Council of Europe and the European Union through a number of regional projects aimed at improving media freedoms and freedom of expression.

*
* *

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

Upon the invitation by the DG for Communication Networks, Content and Technology (DG CONNECT), an AEM representative participated to three meetings of the Contact Committee for implementing the Audiovisual Media Services Directive and the European Regulators Group for Audiovisual Media Services (ERGA), held in Brussels. Most EU member states, the European Commission - DG CONNECT and EU candidate countries, as observers, were represented in the meetings.

The key issues discussed at the **50th Contact Committee meeting**, held on 28 February 2019, included the drafting of the Guidelines for implementing the AVMS Directive (AVMSD), focusing on the interpretation of specific AVMSD provisions, as well as the analysis of the responses to the questionnaire disseminated previously by the European Commission to the member states in order to provide as complete information as possible on the plans for the AVMSD transposition.

The Commission representatives gave an overview of main trends and issues identified when reviewing the responses. These indicate that most member states agree that the Guidelines should be based on indicators to help the regulators in determining whether a service possesses basic functionality to offer audiovisual contents to the general public. Some of the responses suggested, alongside secondary or additional indicators, to set also primary indicators which would clearly spell out the assumptions for the existence of basic functionality. It was emphasised the indicators should be readily and objectively measurable, not based on any subjective judgements. The rest of the meeting focused on discussing individual indicators grouped according to service goals and significance, their technical features and other characteristics. During the discussion, the member states representatives elaborated their positions on the matter and offered additional suggestions regarding the definition of indicators.

Under the next item on the agenda, the discussion involved the guidelines for calculating the shares of European audiovisual works in the catalogues of on-demand AVM service providers and the definition of criteria for low audience and low turnover exemptions. The responses to the set of questions concerning the calculation of the share of European works in catalogues were also presented, concluding that most member states prefer calculation based on titles, with different variations. While some countries advocate for calculation based on the titles of films and episodes of serials, others believe that the basis should be the titles of films and serials, while the third set of countries prefer the titles of films and seasons of serials as the basis for calculating such shares.

Concerning such an approach, a certain risk has been identified that on-demand AVM services providers might be encouraged to purchase works of very short duration to help meet the quota. Some countries indicated in their responses that the duration of AVM works in hours should be taken as a basis for calculating the shares of European works as the most neutral method that can be controlled easily. When considering this approach, some reservations were voiced that the method could result in the purchase of long serials to the detriment of cinematographic works.

The conclusion was that no single option was perfect, but rather a balanced approach is required; hence, member states were requested to inform the Committee of their flexibility regarding the issue of best approach for calculating the share of European works in catalogues of on-demand AV service providers.

When it comes to exemption criteria, the representatives of the Commission gave an overview of responses to this set of questions. It was noted that the analysis of responses revealed as the main problem the lack of relevant data and the complexity of calculating the volume of service users and turnover to be able to assess the market share of individual service providers at the national level. It was observed that the same calculation methods applied to linear AVM services cannot be applied for on-demand AVM services, and that the concept of audience differs depending on the type of service (SVOD, AVOD, TVOD¹⁰³). It was assessed that, when applying low turnover as the exemption criterion, the information already held by member states may be used, but doubts were raised whether the breakdown per different AV services is available.

The Commission representatives concluded that in drafting guidelines the most practical approach would be taken, given the AVMSD goals. The expectation was voiced that the formal adoption of guidelines could be finished by the end of the year or in the first weeks of 2020.

At the **52nd Contact Committee meeting**, held in Brussels on 01 July 2019, the work on the Guidelines for transposing the AVMSD into national legislations of member states continued. The focus was on the interpretation of the AVMSD provisions regarding the provision of programmes and user-generated videos as the essential functionality of social media services, i.e. the basis for applying the AVMSD to those services. The European Commission representatives presented the main elements in the interpretation of the notion of essential functionality from Draft Guidelines, developed based on the responses provided by member states.

The discussion on definition of guidelines for calculation of the share of European works in the catalogues of on-demand AVM service providers and the exemption criteria continued. The discussion was based on the Draft Guidelines previously furnished by the Commission to member states. The pros and cons for each of the approaches were reiterated, and as the discussion went on some member states drew the attention to possible difficulties in implementing the provisions of the new laws to be adopted when transposing the AVMSD. The lack of relevant data and the need to increase the capacities of regulators responsible for enforcement of these provisions were reiterated as main challenges in the process.

The **53rd Contact Committee meeting**, held in Brussels on 09 September 2019, also discussed the Guidelines for transposing the AVMSD into national legislations of member states.

The Draft Guidelines concerning the practical use of the notion of “essential functionality” of the social media services when defining the video-sharing platform services were presented. It was stressed that the aim of the AVMSD is to step up user safeguards, particularly for minors, against certain forms of illegal and harmful content online, and that the AVMSD scope was extended by imposing certain obligations on video-sharing platform service providers. The purpose of the Guidelines, as noted, was to give practical guidance for applying the essential functionality criteria under the AVMSD. It was stressed that the main aim of the rules linked with video-sharing platforms

¹⁰³ SVOD - subscription video on demand, AVOD - advertisement-based video on demand, TVOD – transactional-based video on demand.

was to protect minors against harmful content, and all members of the public against incitement to hatred, violence and terrorism. Hence, the reference to “essential functionality” was made with a view of encompassing social media, where posting of programmes and user-generated videos is the essential functionality of their services, by the video-sharing platform category.

The Commission reminded of the AVMSD provisions based on which the provision of programmes and user-generated videos may be regarded as essential functionalities of social media services if audiovisual content is not just accompanying in reference to the activities of the social media service or if it does not constitute only a smaller portion thereof. Accordingly, the Commission believes that, when assessing whether a certain functionality is essential, national regulators need to consider commercial relevance of the audiovisual offer for the main economic activity of the given service. The conclusion was that, when assessing a certain service, particular attention should be devoted to determining whether the audiovisual content is of essential significance for the commercial success and market position of the service.

The meeting then discussed the guidelines for calculating the share of European works in the catalogues of on-demand AVM services and the definition of the notions of “low audience” and “low turnover” when considering the possibility of exemption of some smaller on-demand AV service providers from the obligation regarding the share of European works in their catalogues. It was pointed out that the Guidelines aim to strike a balance between the provision of cultural diversity within the EU and avoiding unnecessary burden on service providers and national regulators.

The Draft Guidelines propose to have one film or one season of a TV serial as a unit for calculating the share of European works. The Commission representatives expressed their belief that such an approach will not serve as an inducement to purchase longer TV serials, and also that it will be conducive to transboundary distribution of European works. They also believe that such an approach would pose less of a burden on service providers and facilitate verification by regulators. When it comes to exemption criteria, the Guidelines propose such exemption for micro enterprises with global annual turnover under 2 million euros and with less than 10 staff, in line with the definition of a micro enterprise from the European Commission’s Recommendation on SMEs.

When applying the “low audience” criterion, the Guidelines recommend as a possible approach to take into account the number of active users compared to the number of households with access to broadband internet in the given EU member state. In Commission’s view, such an approach would ensure that providers with negligible market shares are exempted from the obligation of including European works in their catalogues.

Finally, the practical issues of AVMSD transposition were discussed during the meeting. Following the presentation by the Commission, the discussion ensued where representatives of member states presented their views and challenges they face at the national level.

*
* *

Participation to ERGA¹⁰⁴

Upon the invitation extended by the DG-CONNECT, an AEM representative attended, as an observer, the **12th meeting of the European Regulators Group for Audiovisual Media Services (ERGA)**, held in Brussels, Belgium on 10 December 2019.

The ERGA meetings are usually preceded by the meetings of the **ERGA Contact Network** where the working documents for the plenary are presented and discussed. Such meetings held in Brussels on 03 June and 22 November 2019 were attended by an AEM representative as an observer.

¹⁰⁴ **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.

In 2019 ERGA activities focused on several key issues leading to the adoption of a set of documents relevant for efficient AVMSD transposition and creating an environment conducive to the development of AVM services and freedom of expression in the light of new challenges:

- the report assessing the implementation of the Code of Practice on Disinformation¹⁰⁵
- the report on the implementation of the revised AVMSD¹⁰⁶
- the gender diversity report¹⁰⁷.

*
* *

Participation to EPRA¹⁰⁸

From 29-31 May 2019, the **49th regular meeting of the European Platform of Regulatory Authorities – EPRA** was held in Sarajevo, Bosnia and Herzegovina, attended by AEM representatives.

In line with the 2019 Work Programme, the first plenary session on protecting minors in the online world focused on evidence of harm caused by AV content to minors. Particular attention was devoted to the tools and options for assessing the degree of harm caused by online content and understanding whether and how regulators may introduce the measures commensurate to the level of harm. The second plenary session discussed the issues of exclusive rights to broadcast sport events. Particular attention was devoted to the challenges both public and commercial media are facing, particularly in smaller markets, in the light of increasing tendencies for a dominant position in the market of such content and the programmes that broadcast them.

The three parallel sessions gave an opportunity to share experiences and best practices on media literacy; definitions and methodology for practical measurement of the shares of European works in AVM services; and new cases and good practices in preventing hate speech.

The AEM representatives attended also the **50th regular EPRA meeting**, held in Athens, Greece from 23-25 October 2019.

The plenaries discussed protection of minors in the online world, but now focusing on two key regulatory challenges: tools for controlling access for on-demand services and video sharing platforms, and artificial intelligence and machine learning. In this regard, particular attention was devoted to linkages between safeguarding minors and personal data protection.

The groups on media literacy and on definition and calculation of the shares of European works continued working, and a new one on accessibility of TV and on-demand AVM services was set up. Particular attention was given to the measures to promote accessibility of content for the audience, key trends and challenges for regulators.

Creating conditions for accessibility of content can be quite costly. Therefore, the ways to motivate AVM service providers through funds or supporting their collaboration is crucial. A number of innovative tools to increase accessibility was presented. It was discussed how broadcasters, on-demand AVM service providers and content producers could use the tools and collaborate to increase accessibility. Finally, the possible role of the regulators to facilitate and encourage such collaboration was also discussed.

¹⁰⁵ Report on the activities carried out to assist the European Commission in the intermediate monitoring of the Code of practice on disinformation (http://erga-online.eu/wp-content/uploads/2019/06/ERGA-2019-06_Report-intermediate-monitoring-Code-of-Practice-on-disinformation.pdf)

¹⁰⁶ Final Report on Implementation of the revised AVMS Directive (http://erga-online.eu/wp-content/uploads/2020/01/ERGA_2019_SG3_Report-1.pdf)

¹⁰⁷ Report on Gender diversity (http://erga-online.eu/wp-content/uploads/2020/01/ERGA_2019_SG4_Report.pdf)

¹⁰⁸ European Platform of Regulatory Authorities (<http://www.epra.org>). The EPRA members are the 52 regulator from 46 European countries. The European Commission, the Council of Europe, the European Audiovisual Observatory and the Office of the OSCE Representative on Freedom for the Media are permanent observers. Meetings are held twice a year.

*

* *

JUFREX project implementation

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)**, funded by the European Union and the Council of Europe. The participating countries are Albania, Bosnia and Herzegovina, Montenegro, Serbia, FYR Macedonia, Kosovo and Croatia.

Following the success of the first regional publication developed within the framework of the JUFREX project, *Media Regulatory Bodies and Hate Speech*, the second publication was prepared - ***Media Regulatory Bodies and Protection of Minors***¹⁰⁹. AEM was involved in its drafting.

This publication includes the information on landmark cases handled by the regulators in the region regarding protection of minors. In addition, one section deals with the role of national regulators in this respect, including their statutory and regulatory competences.

The publication seeks, inter alia, to promote wider understanding of the concept of safeguarding minors against the harmful contents in AVM services, the role of regulators, the need to involve various stakeholders to ensure a safe environment, both online and offline, for the development of children and minors, to give a starting point in the form of recommendations and tools to protect minors, and facilitate pertinent efforts and initiatives.

The final conference to mark the end of JUFREX phase 1 was held in Sarajevo, Bosnia and Herzegovina, on 4-5 April 2019. The event was attended by over 150 representatives of courts, prosecution offices, attorneys, regulators, journalists, media NGOs and other media players from the region, who were partners on the project.

Over the three years almost 250 actions were implemented within the framework of this project, gathering more than 4,000 beneficiaries. More than 2,000 judges, prosecutors and attorneys were trained, and over 1,500 media actors took part in the JUFREX events.

"Children are great imitators.

Give them something great to imitate."

The section on the support to electronic media regulators pointed out that regional activities set the direction for national actions, focusing on capacity building, effectiveness of regulatory bodies concerning the issues such as freedom of speech, protection of minors and media literacy.

The conference concluded that freedom of expression and guaranteeing safety for journalists remain challenges throughout Europe. In many countries, journalists and other media actors face threats such as censorship, political and economic pressures, intimidation, job insecurity, misuse of libel laws, and physical assaults. In addition, the new media and Internet brought about many benefits, but also many challenges, and there is an obvious need to set the standards in this field.

The EU and the Council of Europe reiterated their commitment to further promotion of freedom of expression initiatives in the Western Balkans, and announced the continuation of the JUFREX project within the framework of the Horizontal Facility II programme, to be implemented across the region as of May 2019.

The regional meeting to mark the commencement of the **Horizontal Facility II**¹¹⁰ for the Western Balkans and Turkey was held in Skopje, Macedonia on 09 October 2019. Upon the invitation by the Council of Europe, an AEM representative attended the event.

¹⁰⁹ <https://rm.coe.int/6-mne-ras-and-protection-of-minors/16809691b2>

¹¹⁰ <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

The regional conference “Audiovisual Media Services and the Role of Media Regulatory Bodies under the Revised AVM Services directive”, was held in Herceg Novi on 9-10 September 2019. It was organised within the framework of JUFREX2, supported under the Horizontal Facility II. The participants included the representatives of regulatory bodies for AVM services from Albania, Bosnia and Herzegovina, Kosovo, Serbia, North Macedonia and Montenegro.

The event was an opportunity to exchange opinions and create a platform for discussions on the implementation of the revised Directive on AVM Services (AVMSD) and other relevant topics for media regulation in the region, focusing on challenges and possible joint actions under JUFREX 2 until May 2022.

The new obligations and challenges faced by media regulators under AVMSD were presented. The discussion primarily focused on capacities of media regulators to see through the new obligations concerning protection of minors; regulation of video-sharing platforms; promotion of European works; and regulator independence.

It was agreed to establish communication with video-sharing platform service providers (Facebook, YouTube) and see to it to have them invited to the following regional conference. The aim was to discuss the issues of regulation, possibilities for developing regional guidelines / code for collaboration to include all relevant actors.

As regards co-regulation (covered by the revised AVMSD), the conclusion went towards considering the possibility of updating the study done under the framework of JUFREX 1 “European Co-regulation Practices in the Media”. The study provides information on traditional areas of self-regulation or co-regulation (protection of minors, consumer protection, journalism ethics and nonlinear audiovisual media services). The study also covered the requirements for an effective self-regulation or co-regulation system.

In the light of the revised AVMSD, the need was recognised to agree or define the minimum set of criteria for media regulator independence, taking into account the legal framework, appointment of Council members, internal procedures, etc.

The participants agreed it would be useful for the coming events organised under JUFREX to invite members of the judiciary to discuss the different roles played by regulators and the judiciary on issues relevant for the media, particularly when it comes to hate speech and protection of minors. This would be conducive to better understanding and effectiveness in this area.

*
* *
*

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

The AEM representatives were actively involved in the 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 dedicated to the funding of public service media was held on 28 May 2019 in Sarajevo, Bosnia and Herzegovina. The meeting was attended by five stakeholder groups from each participating country, including managements of national public service media and their

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.

governing bodies, representatives of governments/parliaments, national media regulators and relevant NGOs. The meeting was also attended by relevant media payers in Bosnia and Herzegovina.

The meeting was an opportunity to share views on the sustainability of various approaches to funding in different county contexts. The presentations were grouped around panel discussions dealing with specific aspects of various funding models. The draft Principles of Funding Public Service Media were adopted at the event.

On 19 and 20 June 2019 a study visit was organised to Ljubljana, Slovenia to **Radio Television of Slovenia** and a **meeting of the PSMWB project Steering Committee**. The one-day visit to RTV Slovenia enabled learning about the legal framework and practices for managing public service media, as well as the methods and conditions for guaranteeing editorial independence and building trust in the public service broadcasters. The PSMWB Steering Committee evaluated the actions taken during the first year of the project and gave proposals and suggestion for the way forward.

The regional meeting on measuring ratings / viewing figures was held in Sarajevo, Bosnia and Herzegovina on 2 and 3 July 2019. It was an opportunity to present good practices, tools and instructions for reliable measurement of viewing figures. The meeting was attended by the representatives of public service broadcasters and regulatory bodies.

The comparative overview of practices in each of the participating countries was presented during the meeting. It was stressed that viewer ratings are key issues everywhere, the reliability of viewing figures were discussed and what constitutes best practices. Given the increasing role of the Internet, two aspects of its use were stressed. One presentation dealt with measuring online services with the focus on media content, while the other was on the use of online information in editorial work in lieu of traditional investigation.

The second day focused more on viewer figures metrics, allocation of costs, cooperation and, above all, creating a representative “currency” for media industry in a country.

*
* *
* *

(Last) Call for Quality Journalism

On 28 and 29 November, an international conference was held in Ljubljana, Slovenia entitled **(Last) Call for Quality Journalism** organised by the Council of Europe and Slovenian Ministry of Culture. The key issues included how to ensure sustainability of quality news and what responsibilities individual media stakeholders, including online platforms, should be borne by educators, regulators and self-regulators, by the civil society and academia.

Upon the invitation from hosts, AEM took part in the event that gathered some 150 representatives of media outlets, self-regulatory and regulatory bodies, the academia, and experts in media law, policy-makers, media experts and journalists. Opinions were shared regarding the state-of-play in news production, standards and methods for effective practical functioning, and the ideas for possible policies to reinforce and support independent and quality journalism.

It was noted that Internet and digital technology increased the number of news sources immediately accessible to the public, changing the media consumption / user habits. The wealth of news sources, however, does not necessarily guarantee better quality or more diverse information. On the other hand, traditional “quality” media struggle to remain financially viable. The impact of social media causes growing concern about the quality of information reaching the public. In this context, the role of quality journalisms remains key for democratic societies, serving the public interest and promoting responsibility in public life.

Various aspects of journalism were discussed, involving the need to see it both as a commercial activity and as a public service/asset. Without prejudice to the significance of quality, the issues like how to measure quality and who the judge of quality may be were also discussed.

The efforts of the Council of Europe on setting standards in this field, embodied in a separate Committee of Experts on Quality Journalism in the Digital Age,¹¹¹ were also presented. The adoption of the Declaration of the Committee of Experts on the Financial Sustainability of Quality Journalism in the Digital Age (adopted in February 2019)¹¹² was particularly stressed. The adoption of recommendations for promoting an environment conducive to quality journalism in the digital age was announced, together with two studies: Media and Information Literacy in the Digital Age, and Support to Quality Journalism through Media and Information Literacy¹¹³.

The role of self-regulation and regulation in promoting media literacy and raising awareness of the role, means and ways of assisting vulnerable groups, particularly young people of different age, was particularly highlighted.

The experiences of the Catalan regulator (Conseil de l'Audiovisual de Catalunya) were presented in reference to their adaptation to the new audiovisual services. Particularly, reports on prohibited and harmful online content (child pornography, anorexia and bulimia, inciting hatred against women, incitement to suicide, content stimulating paedophilia, etc.) and the report on fake news (e.g. disinformation about cancer treatment) were particularly mentioned in this regard. As a result, more than one hundred online contents were removed or limited access to.

The eduCAC programme¹¹⁴, created by this regulator, was also mentioned. It offers educational resources and tools for primary and secondary schools and for families aimed at stimulating a critical stand on audiovisual content and promotion of responsible use of mobile devices. The programme is being conducted in cooperation with the Ministry of Education, the Catalan Association of Professional Journalists, Catalan public broadcaster and one foundation.

The regulator is implementing a national media education and awareness raising campaign among the general public #AMiNoMenganien (I cannot be fooled) designed in line with the eduCAC programme. #AmiNoMenganien is the slogan of the campaign, the hashtag in social media and is used as a stand-alone message for empowering people when using different devices for accessing AV content. The general aim is to encourage critical analysis and responsible use of technology.

One panel was devoted to key requirements for an environment conducive to quality journalism. Shared responsibility of various stakeholders was recognised, together with the importance of the state and the regulator both in creating such conditions in terms of stable regulatory and financial framework, and the respect for independence and editorial and operational freedom of media.

It was recognised that media outside of the EU are facing considerably different circumstances and challenges than the media in the EU countries, or the Western Europe. Market size, linguistic barriers, lack of or limited advertising income are but some of the challenges experienced.

Serious doubts were voiced whether media may count on the market forces or incentives as grounds enough for survival and reinforcing quality journalism. Policy-makers and media professionals need to develop and implement complementary measures and strategies to support the environment conducive to quality journalism.

Competition around scarce advertising revenues makes the media more exposed and open to undue interference with their editorial policy and decisions. Such interference is motivated by political and economic interests. Advertising revenues cannot and will not in foreseeable future be a sustainable source of income for financing the required human and other resources needed for

¹¹¹ MSI-JOQ - Committee of experts on quality journalism in the digital age - <https://www.coe.int/en/web/freedom-expression/msi-joq>

¹¹² Declaration by the Committee of Ministers on the financial sustainability of quality journalism in the digital age https://search.coe.int/cm/pages/result_details.aspx?objectid=090000168092dd4d

¹¹³ Available at <https://www.coe.int/en/web/freedom-expression/msi-joq>

¹¹⁴ <https://www.educac.cat/>

quality journalism. On the other hand, advertising may be used as a tool for undue influence on or for limiting quality journalism.

Media are in competition with service providers and contents which are not subject to any similar or even any ethical frameworks and which fall under different kind of or no regulation whatsoever. Therefore, the media which are committed to professional and independent journalism must develop skills to compete with the providers of media content which successfully attract attention by publishing less reliable information of lesser quality, but are faster and more accessible.

It was observed that quality journalism should be respected and promoted as a public service or asset. Moreover, the providers of such journalism should be recognised and supported. Particular attention should be given to answering the questions: who should do that? Who should develop and enforce standardisation for quality journalism content and service providers?

It was pointed out that should be done by media professionals only, and that no state or regulatory body should be dealing with it. Given the complexity and ramifications for the entire society, it is clear that such standardisation efforts require time, money and commitment. Thus, media professionals, media and their organisations need to be supported in initiating and conducting such activities.

In parallel, the media regulatory framework needs to be developed or revised to create a strong basis for media pluralism and diversity as a precondition for quality journalism. The importance of ownership transparency and financing, particularly from public sources, was specially highlighted here. This should be a tool to prevent or reveal any misuse of any dominant / significant position that has an adverse impact on the media landscape. The media self-regulation initiative **Journalism Trust Initiative/JTI**¹¹⁵, aimed at curbing disinformation, was also presented.

*

* *

Regional forum “Accessible Europe: ICT for All”

Upon the invitation by the Europe Office of the International Telecommunication Union (ITU), two AEM representatives attended the regional forum “Accessible Europe: Information and Communications Technologies for All” that took place Malta from 4-6 December 2019. This regional event was jointly organised by the Telecommunication Development Bureau (BDT) of the International Telecommunication Union (ITU) and the European Commission (EC), and hosted by the Parliamentary Secretariat for Persons with Disability and Active Aging of Malta.

The Forum was organised within the framework of the Regional Initiative for Europe on Accessibility, affordability and skills development for all to ensure digital inclusion and sustainable development adopted by the World Telecommunication Development Conference 2017 and aimed at bridging the digital divide and equip all groups of society, including persons with disabilities and specific needs, to take advantage of ICT, by enabling capacity building in digital skills.

In the context of the above this Forum focused on further promoting the development of accessibility in countries and institutions, through the efforts and cooperation among stakeholders and sharing successful outcomes of projects and initiatives already implemented, in order to interchange resources and solutions and make Europe region a more inclusive society.

Telecommunications and the ICTs have vital importance in promoting accessibility policies. The event highlighted the relevance of joining efforts to remove barriers and enable human development and social inclusion of persons with disabilities and special needs and other groups of

¹¹⁵ Journalism Trust Initiative (JTI).

people with specific needs, either through cooperation, programmes and projects development, and generate partnerships, and training.

The ITU and EC had joined efforts to encourage Governments, industry, Academia and other stakeholders to promote ICT accessibility in order to create fair and equal opportunities for all people and support a regional development agenda by treating ICT accessibility for people with specific needs and in particular persons with disabilities, as a cross-cutting development issue.

The first panel was devoted to international, European and EU visions, as well as targets, actions and key resources to support ICT accessibility. In their presentations, the representatives of the UN, ITU, European Commission and Malta focused on the implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD) regarding ICT accessibility, the ITU and EC activities in this field, the challenges encountered in the region and the support to implementing CRPD.

The second session discussed creating an enabling environment for accessible ICT, focusing on the concrete role of regulations and its enforcement. The representatives of regulator of Montenegro and Malta, together with the representatives of the Body of European Regulators for Electronic Communications (BEREC) and the Ministry of Territorial Policy and Civil Service of Spain gave their overview of the state-of-play in this field.

The next session discussed artificial intelligence (AI) for accessibility, focusing on innovative approaches, projects and implementation of accessibility solutions that use AI, including concrete examples of innovative applications. The panellists included the representatives of the University of Malta, the Association of the Blind and People of Impaired Vision of Austria, the European Disability Forum and Facebook.

First day of the event ended with a session on fostering European digital innovation ecosystem for assistive technologies and services that discussed funding opportunities for innovative products and services for persons with disabilities. The representatives of the Foundation for ICT Accessibility of Malta, Malta Information Technology Agency, the European Commission, the Association for the Advancement of Assistive Technology in Europe (AAATE), the Global Assistive Technology Information Network (EASTIN), and The German Digital Assistive Technology Industry Association (BEH) presented their experiences and practical examples.

The second day of the event started with the session on accessibility in education focusing on examples of ICT accessibility projects in learning and education; accessible books and accessible publishing. The speakers were the representatives of the European Commission, the ITU, various European Foundations, universities and agencies.

The next session dealt with advancing implementation of web accessibility across Europe with practical examples from governments and private sector in providing accessible websites. The best practices and challenges were discussed by the representatives of the ITU, the European Commission and various associations, organisations and companies from Malta and other countries.

The seventh session was on the future of accessible audiovisual media services, TV and video programming, focusing on the experiences of broadcasters, producers and emerging technologies. The representatives of the ITU, EBU, the University of Barcelona, BBC and the Commission for the Rights of Persons with Disability of Malta shared their experiences and challenges in this field.

The next panel, with speakers from ITU, BEREC, the academia, the European Union of the Deaf and the Commission for the Rights of Persons with Disability of Malta talked of universal design, procurement and standards, focusing on pertinent national strategies.

Following the sessions on telecom relay services, the practical examples, challenges and opportunities in Europe, and the knowledge development for ICT accessibility, the second day of the forum ended with a session on existing and new partnerships to address current gaps and challenges in making Europe more accessible, with special focus on identification of concrete regional, sub-regional and national projects within the ITU Regional Initiative and the plans by the end of 2022.

The second day ended by the high-level address by Ms Helena Dalli, Commissioner for Equality, on the importance of ICT accessibility in the EU and the presentation of EC plans and strategies for advancements in this field.

The final day of the event was devoted to the ITU certification in ICT accessibility, and the final event was the Project Laboratory of the ITU Regional Initiative for Europe on Accessibility, Affordability, and Skills Development for All to Ensure Digital Inclusion and Sustainable Development.

During the event, the AEM representatives had a meeting with Mr Jaroslav Ponder, Head of Regional Office for Europe, ITU. The meeting discussed the possibility for a more active involvement of AEM in regional ITU projects and initiatives in various areas and further cooperation between AEM and ITU.

*
* *

WorldDab General Assembly

The General Assembly of the WorldDab, the global forum devoted to digital radio composed of more than 100 organisations, including broadcasters, operators and manufacturers of receiving devices, cars and integrated components, was held in Brussels on 5-6 November 2019.

The assembly discussed the issues concerning the development and application of the DAB+ system at the global level, the EECC (European Electronic Communications Code) Directive in the EU, the application and development of digital radio in automotive industry and future perspectives and impact of 5G mobile networks.

The event was organised in several sessions spread over two working days discussing, among other things, the beginning of regular broadcasting in DAB+ technology in France, in Flemish part of Belgium, Austria, Sweden and Tunisia, the transition to digital radio in Switzerland, envisaged to be completed not later than by 2024.

When it comes 5G mobile networks, their potential to support the development of radio broadcasting and hybrid systems was discussed, stressing their significance as systems which may provide proper complementary support to broadcasting systems, but not to replace them fully.

In addition, the event also discussed certain successful information campaigns concerning these systems, e.g. in Great Britain, Germany and the Netherlands, as well as the current DAB+ state-of-play in Belgium, Slovenia, Czech Republic, Poland, Italy and the Netherlands.

The AEM representatives communicated with the WorldDab to consider the possibilities and options for including Montenegrin institutions, the AEM and the Agency for Electronic Communication and Postal Services primarily, in this major global forum on digital radio.

*
* *

IBC (International Broadcasting Convention)

The International Broadcasting Convention (IBC), the annual trade show devoted to media, entertainment and technology, was held in Amsterdam, the Netherlands from 13- 17 September

2019. The trade event that gathers members of the media, broadcasting operators, content creators/providers, equipment manufacturers and professional associations, had over 1,700 exhibitors and over 55,000 visitors from 150 countries. A conference and a number of other side events, presentations, workshops, debates, etc. take place during this trade show.

The AEM representatives attended the trade fair this year to learn in more details about the appropriate solutions, primarily software solutions, that AEM could use in its work.

In this regard, special attention was given to software producers for solutions enabling recording and storing of broadcasted contents, with appropriate tools for content analysis, that could be used for improving the work of the Monitoring Department.

The AEM representatives also attended the conference on **Radio distribution strategies for a connected world**, organised by WorldDab. It discussed the position of digital radio in the age of various distribution platforms, giving the detailed overview of platforms for distribution and broadcasting radio programmes, including 5G.

The uniform conclusion of the industry is that hybrid radio is the future, which includes DAB+ network as the backbone and 5G networks as an addition that enables the extension of service zone and availability of radio programmes.

*
* *

Workshop “Future Trends in Terrestrial Broadcasting”

Jointly organised by the DVB, the industry consortium of media and technology companies dealing with standardisation and specification of standards for transmission and broadcasting digital television, and “Odašiljači i veze” d.o.o. (OIV), the broadcast and telecom operator based in Croatia, the international workshop on **Future Trends in Terrestrial Broadcasting** on future trends in digital terrestrial broadcasting, i.e. television, took place in Zagreb on 26 November 2019.

The reason for organising the workshop, which gathered over 100 participants from 26 countries from Europe and beyond, is the transition from DVB-T to DVB-T2 technology in Croatia, that will be done in phases starting from June 2020. The best practices, experiences and challenges in transition from DVB-T/MPEG-2 to DVB-T2/HEVC were presented to all market players, not only in Croatia, but also its neighbours, with the focus on achieving a smooth transition for broadcasting service providers and end users.

The participants had the opportunity to learn about the planned technology switch in Croatia, as well as the experiences of Italy, Germany and the Czech Republic.

Apart from the issue of transition from DVB-T to DVB-T2, the workshop also discussed the issues of the digital dividend, possible interference between DVB-T2 broadcast and LTE/5G services in 700 MHz, and future trends in broadcast technologies, with the focus on current development and prospects for existing standards for coding audio and video signals, the possibilities for using the 5G network in broadcasting, interactive technologies in TV broadcasts, radio-television technologies such as targeted advertising, DVB-I standard, etc.

TRANSPARENCY

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

The AEM webpages are designed according to state-of-the-art requirements, using an open web-based platform (WordPress) which enables easy extension of functionalities with specialised modules. All posted documents are machine readable and searchable, and may be downloaded at wish. The webpages are adapted to persons with impaired vision and the blind. A special module reads out the contents of the news posted online and allows adjustment of font and cursor size, as well as changes of the contrast and text colour.

It also features an interactive map of locations of all broadcasters and operators, with automatically generated catalogue of broadcasters and operators of on-demand services (by category or town, with frequencies and TV programmes for each). The layout of data from the register of AVM service providers was improved, providing detailed information in a user-friendly format.

In 2019 the total of 355 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 487**. To total of 29 new entries were made into the register in the category of e-publications (e-portals) and 3 for TV broadcasters, providing all required details for registration. Finally, 200 new photographs were posted on the gallery marking events significant for AEM, categorised under 12 albums.

The particulars about AEM itself, the AEM Council and various broadcasters were updated, as needed.

The www.aemcg.org had 29,690 visits or, on average, 2,474 a month. The largest number of visits was recorded in April (3,502), and the lowest in February 2019 (958).

The number of unique visitors was 18,037; out of them 67.6% or 12,193 were from Montenegro. The Windows platform accounted for 53.6%, Android for 34.3% and Apple iOS for 9.7% of visits. The remainder of under 2% refers to Macintosh and Linux platforms.

Comparing the number of page views (78,723) with the number of visitors, an average visitor in 2019 viewed close to 2.7 pages per one visit, stayed about 1 minute and 22 seconds at each page, and 2 minutes and 15 seconds on the AEM website in total during each visit.

Organised by the OSCE Mission to Montenegro, between 24 and 26 July 2019, the AEM staff received training on the **use of digital tools and platforms for promoting content**.

The interactive training gave extensive practical guidance and professional recommendations on techniques used in the social media. Much of the attention was focused on presentation of principles, standards and practices of integrated communication in regulatory bodies and state authorities. It was explained why online connections are important, how to reach out to audiences and how to actively employ all resources (human and financial) available.

In addition, the training also focused on planning how to use social media – defining audiences, setting priorities and goals, choosing the right digital platform for the right purpose. A considerable amount of time went into management and protection of reputation online, how to increase visibility by promoting the activities, events and positions of the institution.

AEM 2019 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 LEM Art 40, at its session held on 24 September 2018, the AEM Council passed the Decision adopting the AEM 2019 Financial Plan¹¹⁶.

Under Art 32 of the Law on the Budget and Fiscal Responsibility, AEM submitted to the Ministry of Finance, within the timeframe stipulated (by 30 September 2018), the 2019 Financial and Work Plan, as well as the document designating the AEM representative to participate in the parliamentary deliberations.

At its 8th session of the second regular (autumn) sitting in 2018, on 28 December 2018 the Parliament of Montenegro passed the Decision adopting the AEM 2019 Financial and Work Plan¹¹⁷.

In order to increase the collection of receivables from broadcasters, in 2019 AEM issued on two occasions sets of warnings to delinquent broadcasters in default of broadcasting fee payment according to the set schedule, following which 14 broadcasters signed debt rescheduling protocols.

In addition, over the reporting period, apart from their regular tasks envisaged in law, the expert services of AEM instigated a number of court and enforcement proceedings. All of the above resulted in increased collection of contested claims and greater certainty of collections of AEM revenues as we move forward.

In 2019 AEM **had total revenues of €1,053,657.02, while total expenditures amounted to €838,366.31**, meaning the positive gap of **€215,290.71**.

The actual collection rate of broadcasting fees was **65.8%**, while the collection rate for the fee for provision of on-demand AVM services was **99.9%**, showing these to be stable sources of revenues for AEM in 2019.

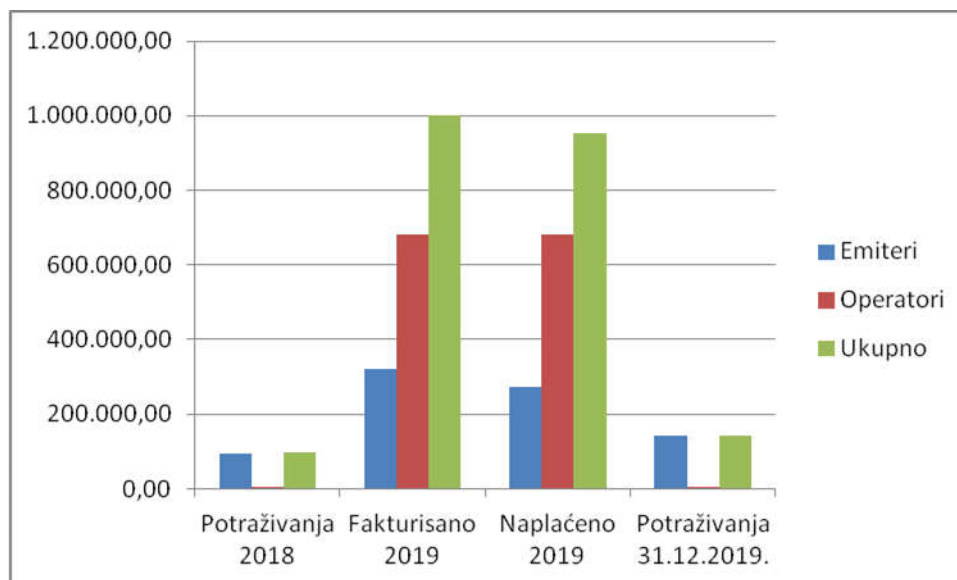


Figure 24.: Breakdown and collection rates for revenues based on licences issued

Based on the balance sheet on 31 December 2019, **total assets** amounted to €1,993,190.57. Fixed assets of €49,730.68 make up 2.5% of total assets, and consist of intangible assets (9.7%) and tangible assets (90.3%).

¹¹⁶ AEM Council Decision no. 01-1914/1 of 24 September 2018

¹¹⁷ Official Gazette of Montenegro no. 01/19.

Operational assets in the amount of €1,943,459.89 make up 97.5% of total assets and include receivables from buyers (3.7%) and cash and cash equivalents (96.3%).

Total receivables carried over from 2018 amounted to €57,693.08, while total receivables on 31 December 2019 amounted to €70,980.94. Out of the total amount, €65,505.79 are receivables from broadcasters and on-demand AVM service providers (KDS/MMDS/IPTV/DTH operators) with adjusted value, €4,254.48 are receivables from state authorities on the account of refunds and deposits for maestro business card amounting to €1,202.67.

The total turnover on the business account in 2019 was €2,630,730.72, petty cash €2,987.66 and the foreign currency account €17,929.26.

Total liabilities amount to €1,993,190.57. The AEM capital equals €1,945,484.57 and includes:

- capital assets €540,691.04;
- undistributed profit from previous years €1,189,502.82, and
- undistributed profit from the current year €215,290.71.

AEM's total long-term provisioning amounts to €32,707.52 and includes provisioning for retirement benefits and jubilee benefits under IAS 19 – Employee Benefits. According to certified actuarial calculations, total long-term provisioning on 31 December 2018 amounted to €22,873.98, out of which €13,809.66 refer to provisioning for retirement benefits and €9,064.32 to provisions for jubilee benefits. In 2019 provisioning in the total amount of €11,697.58 are broken down as follows: retirement benefits €9,830.71 and jubilee benefits €1,866.87. In 2019. The provisioning decreased for the amount of two jubilee benefits, or €1,864.04.

AEM's total short-term liabilities amount to €14,998.48, out of which €1,737.93 towards suppliers, €12,262.40 for the Assistance Fund for Commercial Broadcasters, and €998.15 received advance payments from purchasers.

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

Comparing the liabilities with the operational assets of €1,943,459.89 AEM is seen as solvent, i.e. its liquidity has at no point been brought into question.

Expenditure	Planned	Realised	Index
Gross staff salaries	552.815,00	514.332,77	93,04
Gross remuneration for Council members	89.409,00	84.456,42	94,46
Other income and remunerations	20.000,00	18.080,24	90,40
Business travel and membership fees to international organisations	21.500,00	23.643,67	109,97
Supplies and services costs	50.000,00	35.816,87	71,63
Assets maintenance costs	13.000,00	8.470,33	65,16
Other business expenses	124.000,00	68.744,05	55,44
Provisioning cost	-	11.697,58	-
Cost of recalculating the value of receivables	-	57.053,71	-
Interest subsidies	15.000,00	-	-
Depreciation	25.000,00	16.070,67	64,28
Reserves	26.572,00	-	-

Table 25.: 2019 expenditures

Revenues	Plan	Realised	Index
Registration fee	-	1.400,06	-
Broadcasting fee	298.423,00	318.520,53	106,73
Fee for provision of on-demand AVM services	644.087,00	681.329,67	105,78
Other business revenues	-	51.839,86	-
Financial income	-	566,90	-

Table 26.: 2019 Revenues

By comparing the actually realised revenues against the plan in 2019, it can be noted that broadcasting fee revenues exceeded the plan by 6.7%, while the actual revenues from the fee for on-demand AVM service provision exceeded the plan by 5.8%.

More detailed information on AEM's financial performance in 2019 is available in the AEM'S 2019 FINANCIAL PERFORMANCE REPORT, available at www.aemcg.org.

DIRECTOR

Goran Vuković

Appendix 1 – An overview of warnings issued (upon complaints and ex officio)

Media outlet/contents	Noncompliance (Law on Electronic Media, secondary legislation)
Upon complaints:	
TV Nova M (prime time news) ¹¹⁸	Art 7(1), Art 8(1) and (2), and Art 11(1) and (2) of the Rulebook on Programme Standards in the Electronic Media – broadcasting was not conducive to comprehensive and impartial information of the public about the events in the country; the broadcaster has not ensured that different approaches and opinions are presented in a professional and fair manner, and did not comply with the obligation for news, political and current affairs programmes to be fair and balanced, without tendentiously promoting the interests of any group or individual.
TV Nova M (Vijesti) ¹¹⁹	Art 8(2) and (3), and Art 11(1) and (2) of the Rulebook on Programme Standards in the Electronic Media – the broadcaster did not ensure that different approaches and opinions are presented in a professional and fair manner, nor that opinions and comments are separated from factual reporting, and their source or author made clearly recognisable. The broadcaster did not comply with the obligation for news, political and current affairs programmes to be fair and balanced, without tendentiously promoting the interests of any group or individual.
TV Vijesti (Vijesti u pola 7) ¹²⁰	Art 55(1) LEM, Art 7(1), Art 8(1) and (2) and Art 12(3) of the Rulebook on Programme Standards in the Electronic Media – the broadcaster failed to respect the right to privacy; the broadcasting was not conducive to comprehensive and impartial information of the public about the events in the country; the broadcaster did not ensure that different approaches and opinions are presented in a professional and fair manner.
TV Vijesti (Život sa morem, Za volanom) ¹²¹	Art 85(1), Art 89(1) and Art 93(1) LEM, Art 13(1), Art 37(1) and Art 41(1) of the Rulebook o Audiovisual Commercial Communications – the broadcaster failed to comply with the standards on audiovisual commercial communications since, by broadcasting undesignated advertising, it broadcasted surreptitious and fraudulent audiovisual commercial communication, thus also overstepping the maximum allowed duration of advertising per a clock hour.
Radio Herceg Novi (duration of current affairs programme) ¹²²	Art 55(5) and Art 59(5) LEM – the broadcaster failed to store transmitted programmes in line with regulations governing media and failed to broadcast within current affairs one block lasting at least 20 minutes.
Orion Telekom IPTV ¹²³	Art 168(1) and (2) of the Law on Copyright and Related Rights – the operator failed to conclude a contract on non-exclusive use of audiovisual works from the repertoire of the Organisation for Protection of Rights of Film Producers in Montenegro - A Prava Montenegro.
TV Vijesti (broadcasting of a sport event) ¹²⁴	Art 89(1) and Art 93(1) LEM, Art 37(1) and Art 41(1) of the Rulebook o Audiovisual Commercial Communications - the broadcaster failed to comply with the standards on audiovisual commercial communications since, by broadcasting undesignated advertising, it broadcasted surreptitious and fraudulent audiovisual commercial communication thus also overstepping the maximum allowed duration of advertising per a clock hour.
TV Herceg Novi (programme structure, duration news and current affairs programmes) ¹²⁵	Art 58 and Art 59(5) LEM, Art 23(2) of the Rulebook on Awarding Broadcasting Licences – the broadcaster was in breach of the obligation to adhere to the programme scheme, i.e. the programme structure as established in the broadcasting licence and request AEM's approval for any significant intended change to the programme structure. In addition, the broadcaster failed to broadcast at least 30 minutes of current affairs a day within which it should have at last one block lasting at least 20 minutes.

¹¹⁸ AEM Decision ref. no. 02-257/4 of 20 March 2019¹¹⁹ AEM Decision ref. no. 02-269/4 of 9 May 2019¹²⁰ AEM Decision ref. no. 02-414/4 of 9 May 2019¹²¹ AEM Decision ref. no. 02-972/3 of 25 September 2019¹²² AEM decisions no. 02-962/3 of 23 September 2019¹²³ AEM Decision ref. no. 02-595/3 of 27 May 2019¹²⁴ AEM Decision ref. no. 02-1247/6 of 18 December 2019¹²⁵ AEM Decision ref. no. 02-1283/4 of 09 December 2019

TVCG1 (Dnevnik) ¹²⁶	Art 55(6)(1) LEM, Art 7(1)(a) and Art 8(1) of the Rulebook on Programme Standards – the broadcaster failed to contribute to free, true, integral, impartial and timely information of the public of events in the country and abroad, as well as to observe the principles of objectivity and impartiality.
Warning pronounced acting ex officio	
TV Budva ¹²⁷	Art 55(1) LEM, Art 22(2), Art 23(1) and (2), Art 23b and 24 of the Rulebook on Programme Standards – the broadcaster failed to observe the standards for identification of programmes that could impair the physical condition, health, moral, mental, intellectual, emotional and social development of minors.
TV Nova M ¹²⁸	Art 85(1) LEM, Art 13(4) and Art 32(1) of the Rulebook o Audiovisual Commercial Communications – the broadcaster violated the ban on broadcasting surreptitious audiovisual commercial communication (advertising)
Radio Z ¹²⁹	Art 55(5), Art 138(3) LEM – the broadcaster failed to store transmitted programmes in line with regulations governing media, and submit the recordings of broadcasted programmes at AEM's request.
Radio Star FM ¹³⁰ TV Pljevlja and Radio Pljevlja ¹³¹	Art 138(3) LEM – the broadcaster beached the obligation of submitting the recordings of broadcasted programmes at AEM's request.
TV Sun ¹³²	Art 85(1) and Art 9(1)(2) LEM, Art 13(1) and Art 61 of the Rulebook o Audiovisual Commercial Communications - the broadcaster violated the ban on broadcasting surreptitious audiovisual commercial communication, and on special promotional referral to the services of a sponsor.
TV Boin ¹³³	Art 2(1) of the Rulebook on Rights and Responsibilities of Broadcasters during the Election Campaign for the Local Elections in Tuzi – the broadcaster broadcasted content that performed media presentation (political advertising) for the local elections to an entity whose candidate list was not approved.
Radio 083 ¹³⁴ Radio Corona ¹³⁵ Radio City ¹³⁶ Radio Play Montenegro ¹³⁷ Radio Corona ¹³⁸ TV Sun ¹³⁹ Radio Antena M ¹⁴⁰ Romski radio ¹⁴¹ TDI Radio ¹⁴²	Art 58 LEM, Art 23(2) of the Rulebook on Awarding Broadcasting Licences – the broadcaster violated the obligation to adhere to the programme structure as envisaged by the pertinent broadcasting licence and failed to ask for AEM's approval of all significant intended changes in the structure of the radio broadcast.
Televizija Rožaje ¹⁴³	Art 92(1) LEM, Art 40(1) of the Rulebook o Audiovisual Commercial Communications – the broadcaster exceeded maximum allowable duration of advertising within a given clock hour.

¹²⁶ AEM Decision ref. no. 02-65/1 of 10 February 2020

¹²⁷ AEM Decision ref. no. 02-64/3 of 16 February 2019

¹²⁸ AEM Decision ref. no. 02-113/3 of 20 February 2019

¹²⁹ AEM Decision ref. no. 02-169/1 of 12 March 2019

¹³⁰ AEM Decision ref. no. 02-170/2 of 14 March 2019

¹³¹ AEM Decision ref. no. 02-340/1 of 03 April 2019

¹³² AEM Decision ref. no. 02-176/2 of 04 March 2019

¹³³ AEM Decision ref. no. 02-187/3 of 06 February 2019

¹³⁴ AEM Decision ref. no. 02-189/3 of 12 March 2019

¹³⁵ AEM Decision ref. no. 02-406/1 of 03 April 2019

¹³⁶ AEM Decision ref. no. 02-191/3 of 14 March 2019

¹³⁷ AEM Decision ref. no. 02-204/2 of 15 March 2019

¹³⁸ AEM Decision ref. no. 02-406/2 of 03 April 2019

¹³⁹ AEM Decision ref. no. 02-419/2 of 04 April 2019

¹⁴⁰ AEM Decision ref. no. 02-497/2 of 25 April 2019

¹⁴¹ AEM Decision ref. no. 02-564/2 of 17 May 2019

¹⁴² AEM Decision ref. no. 02-730/4 of 23 July 2019

¹⁴³ AEM Decision ref. no. 02-208/2 of 07 March 2019

TV Corona ¹⁴⁴	Art 58, Art 59(5) LEM, Art 23(2) of the Rulebook on Awarding Broadcasting Licences, Art 11 Rulebook Setting the Terms for Programmes Regarded as Own Production - the broadcaster violated the obligation to adhere to the programme structure as envisaged by the pertinent broadcasting licence and failed to ask for AEM's approval of all significant intended changes in the structure of the radio broadcast. In addition, the broadcaster failed to broadcast at least 30 minutes of current affairs a day within which it should have at last one block lasting at least 20 minutes. It failed to ensure that the works which are regarded as own production under the Rulebook Setting the Terms for Programmes Regarded as Own Production account for at least 10% of its monthly air time.
777 TV Lutrija Crne Gore ¹⁴⁵ TVCG1 ¹⁴⁶ TV Corona ¹⁴⁷ Radio 98 ¹⁴⁸ Radio Homer ¹⁴⁹ TDI Radio ¹⁵⁰ TV Vijesti ¹⁵¹	Art 85(1) and Art 89(1) LEM, Art 13(1) and Art 37 of the Rulebook o Audiovisual Commercial Communications - the broadcaster violated the ban on broadcasting surreptitious audiovisual commercial communication and the obligation for advertising to be readily recognizable and distinguishable from other contents, and kept quite distinct from other parts of the programme by acoustic and optical means.
Prva Tv ¹⁵²	Art 89(1) LEM and 37 of the Rulebook o Audiovisual Commercial Communications – broadcaster violated the obligation for advertising to be readily recognizable and distinguishable from other contents, and kept quite distinct from other parts of the programme by acoustic and optical means
Prva Tv ¹⁵³	Art 85(1) and 95(5) LEM, Art 13(1), Art 53(1) and Art 60 of the Rulebook o Audiovisual Commercial Communications - the broadcaster violated the ban on broadcasting surreptitious audiovisual commercial communication, and the requirement that news and current affairs programmes cannot be sponsored.
TV A1 Montenegro ¹⁵⁴	Art 55(1) LEM, Art 10, Art 22(1), Art 23(1)&(2), and Art 24(1) of the Rulebook on Programme Standards - the broadcaster failed to observe the standards for identification of programmes that could impair the physical condition, health, moral, mental, intellectual, emotional and social development of minors.
Novi TV ¹⁵⁵ Radio Krš ¹⁵⁶ Radio Skadar Lake – two warnings ¹⁵⁷ Radio Corona ¹⁵⁸ Novi TV ¹⁵⁹	Art 58 and Art 59(5) LEM, Art 23(2) of the Rulebook on Awarding Broadcasting Licences - the broadcaster was in breach of the obligation to adhere to the programme scheme, i.e. the programme structure as established in the broadcasting licence and request AEM's approval for any significant intended change to the radio programme structure. In addition, the broadcaster failed to broadcast at least 30 minutes of current affairs a day within which it should have at last one block lasting at least 20 minutes.
TV Nova M ¹⁶⁰	Art 24(1) of the Rulebook on Programme Standards in the Electronic Media – the broadcaster failed to mark the content not appropriate for minors.

¹⁴⁴ AEM Decision ref. no. 02-418/2 of 03 April 2019

¹⁴⁵ AEM Decision ref. no. 02-431/3 of 10 April 2019

¹⁴⁶ AEM Decision ref. no. 02-531/2 of 17 May 2019

¹⁴⁷ AEM Decision ref. no. 02-683/3 of 02 July 2019

¹⁴⁸ AEM Decision ref. no. 02-762/3 of 18 July 2019

¹⁴⁹ AEM Decision ref. no. 02-867/3 of 31 July 2019

¹⁵⁰ AEM Decision ref. no. 02-975/3 of 07 October 2019

¹⁵¹ AEM Decision ref. no. 02-1016/2 of 14 October 2019

¹⁵² AEM Decision ref. no. 02-434/3 of 11 April 2019

¹⁵³ AEM Decision ref. no. 02-441/3 of 08 May 2019

¹⁵⁴ AEM Decision ref. no. 02-463/3 of 25 April 2019

¹⁵⁵ AEM decisions no. 02-473/2 of 07 May 2019

¹⁵⁶ AEM decisions no. 02-496/3 of 25 April 2019

¹⁵⁷ AEM Decision ref. no. 02-531/2 of 17 May 2019 and no. 02-1122/2 of 29 October 2019

¹⁵⁸ AEM Decision ref. no. 02-1142/2 of 29 October 2019

¹⁵⁹ AEM Decision ref. no. 02-1292/2 of 10 December 2019

¹⁶⁰ AEM Decision ref. no. 02-730/4 of 23 July 2019

TV A1 Montenegro ¹⁶¹	Art 89(1) and Art 96(5)(3) LEM, Art 37(1) of the Rulebook o Audiovisual Commercial Communications – broadcaster violated the obligation for advertising to be readily recognizable and distinguishable from other contents, and kept quite distinct from other parts of the programme by acoustic and optical means, and the obligation to clearly inform viewers of the existence of product placement .
Novi TV ¹⁶²	Art 85(1), Art 89(1) and Art 95(1)(2) & (4) LEM, Art 13(1) & (2), Art 37(1), Art 58(1) and Art 61 of the Rulebook o Audiovisual Commercial Communications - the broadcaster violated the ban on broadcasting surreptitious audiovisual commercial communication and the obligation for advertising to be readily recognizable and distinguishable from other contents, and kept quite distinct from other parts of the programme by acoustic and optical means. In addition, it failed to properly mark the sponsor and meet the requirement that sponsored programmes are not to directly instigate purchase or rental of products or services of a sponsor.
TV Vijesti ¹⁶³	Art 85(1), Art 89(1) and Art 95(1)(2) LEM, Art 13(1) & (2), Art 37(1) and Art 61 of the Rulebook o Audiovisual Commercial Communications - the broadcaster failed to comply with the standards on audiovisual commercial communications regarding the prohibition of surreptitious audiovisual communication and the obligation for advertising to be readily recognizable and distinguishable from other contents, and kept quite distinct from other parts of the programme by acoustic and optical means, and the ban on special promotional referral to the services of a sponsor, as well as the violation of the requirement that sponsored programmes are not to directly instigate purchase or rental of products or services of a sponsor.
Radio S ¹⁶⁴	Art 89(1) Art 95(1)(2) LEM and Art 37(1) and 61 of the Rulebook o Audiovisual Commercial Communications - the broadcaster failed to comply with the standards on audiovisual commercial communications and the obligation for advertising to be readily recognizable and distinguishable from other contents, and kept quite distinct from other parts of the programme by acoustic and optical means, and the ban on special promotional referral to the services of a sponsor.
TV RTCG 1 ¹⁶⁵	Art 85(1) LEM, Art 13(1) of the Rulebook o Audiovisual Commercial Communications - the broadcaster violated the ban on broadcasting surreptitious audiovisual commercial communication.
Radio DRS ¹⁶⁶	Art 85(1), Art 89(1) Art 95(1)(1) LEM, Art 13(1) and Art 37(1) and Art 34(1)(A) of the Rulebook on Audiovisual Commercial Communications - the broadcaster violated the ban on broadcasting surreptitious audiovisual commercial communication, the obligation for advertising to be kept distinct from other parts of programme by acoustic means, and the ban on creating the impression that consuming alcohol can improve one's physical condition.
Radio Herceg Novi ¹⁶⁷	Art 55(5) and Art 59(5) LEM - the broadcaster failed to store transmitted programmes in line with regulations governing media, and failed to broadcast at least 30 minutes of current affairs a day within which it should have at last one block lasting at least 20 minutes.
TV RTCG 1 ¹⁶⁸	Art 85(1), Art 89(1), Art 95(1)(2) LEM, Art 13(1), Art 37 and Art 61 of the Rulebook o Audiovisual Commercial Communications - the broadcaster violated the ban on broadcasting surreptitious audiovisual commercial communication and the obligation for advertising to be readily recognizable and distinguishable from other contents, and kept quite distinct from other parts of the programme by acoustic and optical means, and the ban on special promotional referral to the services of a sponsor.
TV MNE Sport 1 ¹⁶⁹	Art 55(2) LEM and Art 23(1) & (2), Art 24(2) & (3) of the Rulebook on Programme Standards - the broadcaster failed to observe the standards for identification of programmes that could impair the physical condition, health, moral, mental, intellectual, emotional and social development of minors.

¹⁶¹ AEM decisions no. 02-476/3 of 17 June 2019

¹⁶² AEM Decision ref. no. 02-677/3 of 05 June 2019

¹⁶³ AEM Decision ref. no. 02-684/3 of 02 July 2019

¹⁶⁴ AEM Decision ref. no. 02-868/3 of 05 August 2019

¹⁶⁵ AEM Decision ref. no. 02-876/2 of 05 August 2019

¹⁶⁶ AEM Decision ref. no. 02-957/2 of 12 September 2019

¹⁶⁷ AEM Decision ref. no. 02-962/3 of 23 September 2019

¹⁶⁸ AEM Decision ref. no. 02-1003/3 of 07 October 2019

Izveštaj o radu Agencije za elektronske medije za 2019. godinu

TV 7 ¹⁷⁰	Art 89(1) LEM, Art 37 of the Rulebook o Audiovisual Commercial Communications – the broadcaster violated the obligation for advertising to be readily recognizable and distinguishable from other contents, and kept quite distinct from other parts of the programme by acoustic and optical means.
TV Budva ¹⁷¹	Art 23(2), Art 23b(1) of the Rulebook on Programme Standards - the broadcaster failed to mark the content not appropriate for minors.
TV RTCG 1 ¹⁷²	Art 85(1), Art 89(1), Art 92(1) & (2) LEM, Art 13(1), Art 37 and Art 40 of the Rulebook o Audiovisual Commercial Communications - the broadcaster violated the ban on broadcasting surreptitious audiovisual commercial communication, and the obligation for advertising to be readily recognizable and distinguishable from other contents, and kept quite distinct from other parts of the programme by acoustic and optical means, and exceeded maximum allowed duration of advertising per an hour of broadcasted programmes.
TDI Radio ¹⁷³	Art 85(1), Art 89(1), Art 95(1)(2) & (5) LEM, Art 13(1), Art 37, Art 60 and Art 61 of the Rulebook o Audiovisual Commercial Communications - the broadcaster failed to comply with the standards on audiovisual commercial communications regarding the ban on surreptitious audiovisual commercial communication; the obligation for advertising to be readily recognizable and distinguishable from other contents, and kept quite distinct from other parts of the programme by acoustic and optical means, and the ban on special promotional referral to the services of a sponsor. In addition, the broadcaster violated the requirement that news and current affairs programmes cannot be sponsored, as well as the requirement that sponsored programmes are not to directly instigate purchase or rental of products or services of a sponsor.
Radio Nikšić ¹⁷⁴	Art 92(1) LEM, Art 40(1) of the Rulebook o Audiovisual Commercial Communications - the broadcaster exceeded maximum allowable duration of advertising within a given clock hour.
TV 7 ¹⁷⁵	Art 59(5) LEM - the broadcaster failed to broadcast at least 30 minutes of current affairs a day within which it should have at last one block lasting at least 20 minutes.
TV A1 Montenegro ¹⁷⁶	Art 58 LEM, Art 23(2) of the Rulebook on Awarding Broadcasting Licences – the broadcaster was in breach of the obligation to adhere to the programme scheme, i.e. the programme structure as established in the broadcasting licence and request AEM’s approval for any significant intended change to the programme structure.
TV Boin ¹⁷⁷ TV Corona ¹⁷⁸ TV Sun ¹⁷⁹ TV Teuta ¹⁸⁰	Art 58 LEM, Art 23(2) of the Rulebook on Awarding Broadcasting Licences, Art 11 Rulebook Setting the Terms for Programmes Regarded as Own Production - the broadcaster violated the obligation to adhere to the programme structure as envisaged by the pertinent broadcasting licence and failed to ask for AEM’s approval of all significant intended changes in the structure of the radio broadcast. The broadcaster failed to ensure that the works which are regarded as own production under the Rulebook Setting the Terms for Programmes Regarded as Own Production account for at least 10% of its monthly air time.

¹⁶⁹ AEM Decision ref. no. 02-1006/3 of 09 October 2019

¹⁷⁰ AEM Decision ref. no. 02-1007/3 of 07 October 2019

¹⁷¹ AEM Decision ref. no. 02-1111/3 of 25 October 2019

¹⁷² AEM Decision ref. no. 02-1015/3 of 21 October 2019

¹⁷³ AEM Decision ref. no. 02-1143/3 of 01 November 2019

¹⁷⁴ AEM Decision ref. no. 02-1230/3 of 06 December 2019

¹⁷⁵ AEM Decision ref. no. 02-1288/2 of 23 December 2019

¹⁷⁶ AEM Decision ref. no. 02-1289/2 of 19 December 2019

¹⁷⁷ AEM Decision ref. no. 02-1290/2 of 20 December 2019

¹⁷⁸ AEM Decision ref. no. 02-1291/2 of 20 December 2019

¹⁷⁹ AEM Decision ref. no. 02-1293/1 of 24 December 2019

¹⁸⁰ AEM Decision ref. no. 02-1294/2 of 20 December 2019

Izveštaj o radu Agencije za elektronske medije za 2019. godinu

<p>„Radio Jupok“ „Novi TV“ - two warnings „Radio Antena M“ - two warnings „Radio Corona“ - two warnings „Radio Glas Plava“ - two warnings „Radio Krš“ „Radio Laki“ „Radio Mojkovac“ - two warnings „Radio Nikšić“ - two warnings „Radio Skadar Lake“ - two warnings „Radio Skala“ - two warnings „Radio Star FM“ - two warnings „Radio Z“ - two warnings „Romski radio“ - two warnings „Radio Crne Gore-prvi program“ „Radio Crne Gore-prvi program/Radio 98“ „Urban Radio“ - two warnings „Radio Adriatic“</p>	<p>„Radio Laki“ „Srpski radio“ „Srpska TV“ „Prvi program Televizije Crne Gore“ „Drugi program Televizije Crne Gore“ „Satelitska Televizija Crne Gore“ „Televizija Pljevlja“ - two warnings „Televizija Rožaje“ - two warnings „TV A1 Montenegro“ - two warnings „TV Boin“ - two warnings „TV Corona“ - two warnings „TV Nikšić“ - two warnings „TV SUN“ - two warnings „TV Teuta“ „TV Vijesti“ - two warnings „TV MNE SPORT 1“ „TV MNE SPORT 2“ „TV MNE SPORT 3“</p>	<p>Art 44(2) LEM, A 16 Rulebook on Awarding Broadcasting Licence – the broadcaster failed to pay the annual broadcasting fee</p>
--	---	--