[BA] EROTEL Dispute still Unresolved

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On 15 November last year, Bosnia-Herzegovina's Independent Media Commission (IMC) ordered that the broadcaster EROTEL be shut down after it refused to stop the unauthorised retransmission of Croatian State Television (HRT) programmes on its frequencies.

The Bosnia-Herzegovina IMC was set up by the High Representative in order to regulate broadcasting activities and distribution. The IMC's main tasks are to award licences, draw up codes of conduct for broadcasters and monitor compliance with licensing conditions (see Decision of the High Representative on the Independent Media Commission of 11 June 1998, Articles 2, 5.1, 5.2 and 5.4). Measures to reorganise and restructure broadcasting include the founding, in accordance with the Broadcasting Act for Bosnia-Herzegovina (see IRIS 1999-8: 12), of broadcasting company RTV, whose programmes should be received throughout the country. RTV is supposed to guarantee national, cultural and linguistic diversity and development of the population of Bosnia-Herzegovina.

To this end, the High Representative had decided that HRT should cease its activities in Bosnia-Herzegovina by 1 October 1999. Frequencies previously used for the retransmission of HRT programmes are now available for the IMC to allocate as it sees fit. From now on, the IMC should allocate frequencies in such a way as to achieve the aforementioned goals and create a multicultural society. HRT is the majority shareholder in EROTEL, a local broadcaster based in Bosnia-Herzegovina. EROTEL and Croatian Television broadcast their programmes on a total of more than 157 different frequencies, although they have valid licences for only 11 of those frequencies. Those licences were granted on condition that they only be used to broadcast federal television. In November last year, the IMC had proposed to EROTEL that it continue broadcasting for a limited period of 180 days. However, EROTEL was required to cease using unlicensed frequencies. The IMC also pointed out that the broadcast of HRT programmes was in breach of the code of conduct it had drawn up. Nevertheless, EROTEL refused to follow the IMC's instructions.

The IMC objects to the fact that the broadcaster is illegally transmitting HRT programmes from western Mostar. In the IMC's view, the ability to receive HRT in Bosnia-Herzegovina is a clear breach of international relations. Moreover, it hinders the establishment and development of new broadcasters. Adamant that EROTEL should only use authorised frequencies and should not broadcast any HRT

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programmes, the IMC ordered on 15 November that the broadcaster be closed down and asked the SFOR for its help to enforce the closure.

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