[BA] Competitive Process for the Awarding of Long-term Broadcasting Licenses

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The Rule of the Independent Media Commission (IMC) concerning the allocation of frequencies based on a competitive process came into effect on 1 October 2000. The Competition Rule applies to:

- all regional broadcasters whose programs are directed towards audiences beyond the town or city of the broadcasters' location of registration with the IMC;

- all broadcasters seeking to serve a community where the IMC determines that the frequency spectrum is overcrowded;

- applicants not previously licensed by IMC.

The allocation is based on a point system that evaluates the merits of the respective applicants. The following four criteria are relevant in the determination of an application, with points awarded as indicated : 1. Program Quality, which carries a maximum of 20 points; 2. Financial Information and Viability - maximum 10 points; 3. Technical Operations - 10 points, and 4. Prior Compliance with IMC Regulations. At this criterion of Compliance different valencies depend on a) No Issue = 0 points b) Each requirement to publish an apology, warning or order = minus 1 point c) Each fine = minus 2 points d) Each suspension of license or order to close down operations = minus 3 points.

In order to obtain a license, each broadcaster must achieve a minimum of 24 points in total, with a minimum of 12 points in Program requirements, a minimum of 6 points in financial and a minimum of 6 points in technical operations.

In order to facilitate the efficient management of the frequency spectrum, the whole country was divided into 13 regions along geographical lines.

Using this legal basis, the IMC has already completed the process in the Tuzla region, which was taken first due to the high density of broadcasters in that region. 62 stations (23 public and 39 private), among them 19 TV and 43 radio stations, took part in the competition process. At the beginning of the process, a total number of 72 broadcasters were registered, but 10 did not apply for a license. After an in-depth assessment and evaluation the IMC decided that only 20 broadcasters (5 public and 15 private) fulfilled the legal requirements for long-term broadcasting licenses in this region. Therefore, applications from 42

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broadcasters (25 private and 17 public), or 67,7 % had to be rejected. Affected stations can now submit a complaint to the Council of IMC, whose decision will be final.

IMC Rule 04/2000 "Merit-based Competitive Process for the Awarding of Long-term Broadcasting Licenses"

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