[BA] Rule on Media Concentration and Cross-Ownership

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On the occasion of its regular session on 22 March 2004, the Regulatorne agencije za komunikacije Bosne i Hercegovine (Council of the Communications Regulatory Agency, RAK) adopted the Rule 21/2003 on Media Concentration and Cross-ownership.

One of the imperatives is laid down in the sixth point of the Preamble which states that "broadcast programming plays a central role in democracy, and that it is crucial to provide a range of different independent information and programming to serve the whole population".

At this point, Bosnia and Herzegovina as a relatively small media market does not manifest an indication of possible imminent danger of media concentration. However, its state-level regulatory agency has made a preemptive move.

The Rule consists of six articles. Article 1, inter alia, gives definitions relevant for the purpose of the Rule: e.g. `Ownership' in the media sector shall be relevant for this rule for the holder of more than 10 percent of the share capital of a broadcast or print media organisation. Art. 2 sets a rule for so-called multiple ownership, which states that one natural person or legal entity cannot own two or more radio or two or more TV stations that cover the same population range. Paragraph 2 of the article provides that only in exceptional cases, when required by technical regulation and/or compliance with international obligations in relation to protected and service zones, is the RAK allowed to issue a licence by which certain transmitters cover the same population from different locations and different frequencies.

Article 3 defines Cross-Media Ownership, and provides limitations on firstly, the ownership of shares regarding broadcasting and print media, and secondly, Radio-television cross-ownership. In brief, one natural person or legal entity is allowed to own only one broadcasting and one print media outlet, and one radio and one TV outlet for the ranges of population that the different media cover.

Article 5 deals with non-compliance with the Rule. In such cases the RAK may apply the enforcement measures at its disposal pursuant to article 46 of the Communications law of Bosnia and Herzegovina (see Official Gazette 33/02 and 31/03).

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Article 6 defines entry into force of this Rule (it has entered in force as of 1 April 2004), stating also that after 18 months it may be reviewed and amended according to experience and changing circumstances.

The Rule faces some criticism in the context of the RAK's competence, as it is responsible only for the broadcasting and telecommunications sector, but not for print media.

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