[BA] RAK Overview of Violations and Corresponding Punishments/Fines

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The Communications Regulatory Agency (RAK) has issued a new document entitled "Overview of Violations and Corresponding Punishments/Fines Pronounced by the RAK" which entered into force on the day it was published, 5 May 2009, in the Official Gazette of Bosnia and Herzegovina, No. 35/09. This is the first document of its kind having the effect of law.

This survey-like catalogue is in accordance with Article 46 paragraph 3 section d of the Law on Communication and it was adopted by the Council of Ministers of Bosnia and Herzegovina, and then formally approved by the Council of the RAK.

The document is based on the Broadcasting Code of Practice for Radio and TV Programmes but emphasizes the pecuniary fines for violations of the new law, the existing Code of Practice and related RAK rules and regulations. According to its mandate RAK is authorised to impose sanctions for violations of its rules and regulations on the part of the operators in the media market.

This document consists of 72 Articles, of which 51 relate to the broadcasting sector and the rest to the telecommunication sector, plus transitional and concluding paragraphs.

Article 5 defines the purposes of sanctioning:

a) The protection of public interest;

b) The prevention of activities which might pose a danger to the life or health of people, public security, public order and morals, including harm to the economic sector;

c) The respecting of the Law on Communication of BiH and the RAK’s rules and regulations;

d) The prevention of the provision of illegal telecommunications services, unlicensed broadcasting and distribution of radio and TV programmes, and

e) The prejudicial treatment of wrongdoers in a pre-emptive manner.

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The prescribed fines depend on the geographical coverage of the broadcasters. For example, those reaching an area of 500,000 or more inhabitants, can be fined from BAM 7,500 to BAM 75,000 (BAM 1 is equal to approximately EUR 0.5). Those broadcasters covering an area of 100,000 to 500,000 can be fined from BAM 5,000 to BAM 50,000, and those covering an area up to 100,000 can be fined from BAM 2,500 to BAM 25,000. For severe breaches the maximum fine is BAM 150,000, and for repeated violations up to BAM 300,000.

A similar range of fines deals with blasphemous rhetoric, i.e., the defamation of religions (Article 20), as well as Article 21, just and unbiased editorial policy, and Article 23, false and deceptive material. Article 29, obligations and accountability of public broadcasters, prescribes strict programme-content requirements for public broadcasters.

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