[ME] Public Discussion on the New Draft Law on Electronic Media

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The new draft Law on Electronic Media, aimed at providing a regulatory framework and at stimulating further development in the electronic communications and audiovisual services market, has triggered controversial public discussion.

The National Broadcasting Agency (NBA), defined as the crucial independent regulator in this sector under the previous Broadcasting Law, has criticized the new legislative initiative of the Government. The new Electronic Communications Law, enacted in 2008, abolished a series of the NBA's competencies, most of which were not transferred to any other authority. This created a legal vacuum in the field of awarding licenses and rights for the use of radio and TV frequencies.

At a round table discussion devoted to the new draft law the head of the EU-Delegation in Montenegro stated that "the adoption of the Law on Electronic Communications created a situation of uncertainty as regards the procedure for the assignment of frequencies for broadcasting which is not in line with European standards." The OSCE expert on freedom of the media also underlined this issue in his report on media freedom in Montenegro. He referred to the lack of certainty as regards the broadcasting authority's role in the assignment of frequencies and its representation on the bodies that will decide on tenders. The ARTICLE 19 initiative recently called upon Montenegrin authorities to ensure that the law that is ultimately adopted is in line with international standards in this area. Its analysis emphasized:

- A lack of clarity as to the responsibility for licensing broadcasters;

- The failure of the law to set out clear criteria for allocating licences;

- The failure of the law to recognise community broadcasting;

- Inadequate provisions on how the system of complaints it envisages would work in practice;

- A lack of independence of the proposed regulator.

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ARTICLE 19 also noted that the system of sanctions unduly promotes the most extreme sanction - the licence revocation - at the expense of a more graduated approach to sanctions.

While this legal controversy has continued for months the independent TV Vijesti claims that the current situation prevents the broadcaster from receiving a national coverage license.

The Government was expected to discuss the new draft Law on Electronic Media in October this year.

Zakon o Elektronskim Medijima

http://www.akem.me/zakon_o_elektronskim_medijima.html

Draft Law on Electronic Media

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