[ME] New Laws on Electronic Communications and Media Adopted

IRIS 2010-9:1/33

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The Montenegrin Parliament adopted the new Law on Electronic Media, along with the necessary changes to the accompanying Law on Electronic Communications, intended to stipulate the competences of the regulatory bodies in the area of electronic media.

According to the new legislation, the Montenegrin Broadcasting Agency (renamed Agency for Electronic Media) shall continue to work as the Agency responsible for electronic media and the allocation of broadcasting frequencies by public procedures shall again be under its authority.

This solution will clarify the confusion created by previous legal provisions from 2008, which deprived the Broadcasting Agency of several important competencies and did not provide any specific alternative. The same legislation prescribed the foundation of a new regulatory body, the Agency for Electronic Communications and Postal Affairs, but the competencies of the two Agencies were not clearly distinguished and were explained only by drafting the new Law on Electronic Media that has now been adopted (see IRIS 2009-10: 0/106 and IRIS 2010-3: 1/31).

These changes in legislation were preceded by a significant amount of criticism from the European Commission's Delegation in Montenegro regarding the uncertainty connected to the procedure for the assignment of broadcasting frequencies, which was believed not to be in line with European standards. The Government claims that the new Law is completely in line with international standards and that it clearly provides political, institutional and financial independence of the Agency for Electronic Media. According to the new Law, the founder of the Agency is the State of Montenegro and the Council of the Agency, as its governing body, shall be elected by the Parliament. Universities, non-governmental organisations, Pen centre and associations of commercial broadcasters shall delegate the candidates.

However, the discussion in the Parliament unveiled a dilemma as to whether this solution was a compromise made by the Government in order to keep the control over the other regulatory body, the Agency for Electronic Communications and Postal Affairs. The Law on Electronic Communications kept the existing solution

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due to which the Government will appoint the Council members of this Agency, which controls primarily the area of telecommunications with an annual turnover of over EUR 300 millions.

Another general remark made by the political opposition in the parliamentary plenary discussion held at the end of July 2010 was that the new legislation preserved the existence of two Agencies that will regulate the areas of electronic and telecommunications, which is contrary to the national strategy on electronic communications.

ZAKON O ELEKTRONSKIM MEDIJIMA

http://www.skupstina.me/index.php?strana=zakoni&id=1165

Law on Electronic Media

ZAKON O IZMJENAMA I DOPUNAMA ZAKONA O ELEKTRONSKIM KOMUNIKACIJAMA

http://www.skupstina.me/index.php?strana=zakoni&id=1170

Law on Changes to the Law on Electronic Communications

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