[BA] New Regulatory Framework Transposing the AVMSD Adopted

IRIS 2012-1:1/9

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On 15 November 2011, *Vijeće Regulatorne agencije za komunikacije* (the Council of the Communications Regulatory Agency - CRA) adopted a set of by-laws transposing the provisions of the Audiovisual Media Services Directive (AVMSD) into the regulatory framework of Bosnia and Herzegovina.

More specifically, the Rule on the Provision of Audiovisual Media Services establishes a two-tier system of authorisation for the provision of audiovisual media services in Bosnia and Herzegovina - licensing for linear and an obligatory, but free-of-charge registration procedure for on-demand services. There are different licensing procedures in place for television broadcasting via terrestrial signal and television broadcasting via other electronic communication networks (cable, satellite, IPTV). Nevertheless, all broadcasters will have the same obligations in terms of content, including the rules on European works and short news reporting. Under the new rules, a media service provider can be either a legal or a natural person, which was previously not the case since only legal persons could apply for a licence.

The Code on Commercial Communications covers commercial communication in both audiovisual and radio media services. Qualitative requirements more or less apply to both, particularly with regard to surreptitious or misleading commercial communication, protection of minors, inclusion of discriminatory or harmful content and protection of consumers. In line with the AVMSD, quantitative requirements in television advertising and teleshopping are more flexible in terms of duration and insertion rules. Split-screen advertising, telepromotions and virtual advertising are specifically addressed. In particular, split-screen advertising and telepromotions have to comply with the rules on separation and duration of television advertising. The Code furthermore introduces more detailed provisions on sponsorship (such as identification requirements) as well as the regulation of product placement (see IRIS 2011-6/8). The application of the provisions on product placement, however, is postponed until 1 January 2013 in order to allow media service providers sufficient time to prepare for them.

The Code on Audiovisual and Radio Media Services sets out standards in programming covering issues such as harmful content, fairness and impartiality, privacy, right of reply and in particular the requirements concerning the

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protection of minors. For the first time, a uniform system for audiovisual content classification and rating is being introduced, together with scheduling restrictions for each category:

- content that is not suitable for minors under 12 may be shown between 20:00 and 06:00 hours;

- content that is not suitable for minors under 16 may be shown between 22:00 and 06:00 hours;

- content that is not suitable for minors under 18 may be shown between 24:00 and 06:00 hours.

More relaxed rules apply to on-demand services that do not have to obey scheduling restrictions but have the obligation to indicate the appropriate visual symbol in their catalogues. The exception is content belonging to category 18+ which may be shown without scheduling restrictions only if there are technical protection measures in place. If this is not the case, such content may be made available only between 24:00 and 06:00 hours.

In addition to rules transposing the AVMSD, some other amendments to the existing regulatory framework have been made, such as separate rules concerning the provision of radio media services and improved rules for the distribution of media services. The Rule on the Distribution of Audiovisual and Radio Media Services thus prohibits any modification of the distributed audiovisual or radio media services and ensures the freedom of the retransmission and reception of these services.

Kodeks o komercijalnim komunikacijama

http://www.rak.ba/bih/aktuelnost.php?uid=1321957596

Code on Commercial Communications

Kodeks o audiovizuelnim medijskim uslugama i medijskim uslugama radija

http://www.rak.ba/bih/index.php?uid=1269867979

Code on Audiovisual and Radio Media Services

Pravilo o pružanju audiovizuelnih medijskih usluga

http://www.rak.ba/bih/index.php?uid=1269867979

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Rule on the Provision of Audiovisual Media Services

Pravilo o dozvolama za distribuciju audiovizuelnih medijskih usluga i medijskih usluga radija

http://www.rak.ba/bih/index.php?uid=1269867979

Rule on Licences for the Distribution of Audiovisual and Radio Media Services

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