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Public Service Broadcasting in Montenegro

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1.	INTRODUCTION	6
2.	THEORETICAL AND METHODOLOGICAL FRAMEWORK	9
2.1.	Contemporary Debates on PSB on the Global and EU Level	10
2.2.	Key Issues Regarding PBS in Post Communist Countries and the Western Balkans	16
2.3.	Methodological Framework	18
3.	COUNTRY BACKGROUND	19
3.1.	Socio-Political and Economic Context	19
3.2.	Media System	21
4.	PUBLIC SERVICE BROADCASTING IN MONTENEGRO: RESEARCH FINDINGS	24
4.1.	Background on PSB in Montenegro	24
4.2.	Regulation of PSB	28
4.3.	The Financial Aspects of PSB	34
4.4.	The Digitalization of Public Service Broadcasting	38
4.5.	Sociocultural and Political Aspects	42
5.	DISCUSSION	46
6.	CONCLUSION	49
7.	RECOMMENDATIONS	51
8.	REFERENCES	53
	ANNEX 1 LIST OF INTERVIEWS	57
	ABOUT THE AUTHOR	58

1.

Introduction*

The aim of this paper is to examine the status and operation of the public service broadcaster in Montenegro and the process of transformation of the state-controlled *Radio Television of Montenegro* (*Radio i Televizija Crne Gore*, or *RTCG*) into a public service broadcaster. The paper elaborates on the current situation with *RTCG* and attempts to provide insights into the prospects for its future, in the context of contemporary European and local debates, tackling the obstacles, challenges and changing policy streams when it comes to public media. In doing so, special attention is given to the political, economic and social factors that influence the transformation of the state broadcaster in Montenegro.

The former state controlled broadcaster was formally established as a PSB in 2002, and this is when the transformation process started. The path towards the development of PSB was not an easy task given the complex contextual factors and obstacles that *RTCG* faced. The former state broadcaster *RTCG*¹, remembered for the dissemination of hate speech during the Yugoslav wars during the 1990s, for political obedience to the ruling party and for its financial ruin, was suddenly supposed to transform itself into a genuine PSB to serve primarily the citizens of Montenegro. Moreover, such a transformation was happening in an extremely complex political and economic context: the country found itself in the midst of democratization and liberalization processes, while at the same time negotiating its accession to the EU. The financial crisis put immense pressure on the government and the media market, limiting the scope of any intervention that aimed at the sustainable institutional transformation of *RTCG*.

Taking these contextual factors, and the dynamics they produced, into consideration, this paper attempts to answer three sets of questions. First, how the initial media policy and regulations in regard to PSB were adopted, who the main actors were in the process (considering the EU influence), and how these actors interacted with each other. Second, what is the current situation with the PSB regarding the implementation of policies and reforms, giving special attention to the PSB remit, funding model, formal and de-facto independence, market share, and progress regarding the digital switchover in Montenegro. And, finally, what are the key challenges for the future development of PSB in Montenegro, taking into account the impact of new technologies, convergence and

* This report is updated as of December 2016.

¹ Until 1991, *RTCG* was called *RTV Titograd*.

digitalization on the prospects of the PSB in the rapidly changing multi-channel environment. Another aspect of interest to this study is that of the influence of the EU on the national media policy due to the competition approach of the EU. Last but not least, this research question also relates to the overall changes in the broadcasting market, with the proliferation of new media platforms and the increased commercialization of broadcasting.

In order to answer these questions, the paper heavily relies on contemporary scholarly debates on the future prospects of PSB, especially drawing upon the analysis and theoretical propositions by Jakubowicz², Picard and Siciliani³, Rumphorst⁴, Moe⁵, Hallin and Mancini.⁶ Furthermore, special attention is given to the role, function and prospects of PSB in post-communist, transitional societies as analyzed in the works of Car⁷ and Veljanovski.⁸ In the search for an answer on the abovementioned questions, the paper provides an analysis of the existing legislation, as well as semi-structured interviews with members of the administrative bodies of the public service broadcaster and media experts in Montenegro.

This paper presents the argument that the former state-owned media company in Montenegro was not fully transformed into a public service broadcaster. After taking into consideration the key debates, contextual factors, and contemporary trends relevant to the development of a PSB, paper argues that the transformation of the state-broadcaster into a genuine PSB in Montenegro has so far not been successful. As will be demonstrated, the PSB remains a highly politicized and dysfunctional institution, while policy debates are centered mainly around basic issues of financial sustainability and political (in)dependence. At the same time, there is no substantial debate on the role of PSB in the society, its relevance in the converged digital environment, and its public service function. Given the current situation, the future of PSB in Montenegro seems bleak, to say the least.

The paper consists of five sections. In the first part of this paper the PSB is analyzed from a theoretical point of view, while in the second part of the paper

² Karol Jakubowicz, *Public Service Broadcasting: A New Beginning, or the Beginning of the End* (Knowledge Politics, 2007).

³ Robert Picard and Paolo Siciliani, *Is there Still a Place for Public Service Television?* (Oxford: Reuters Institute for the Study of Journalism, 2013).

⁴ Werner Rumphorst, *Public Service Broadcasting – Model Law* (Podgorica: Agency of Electronic Media, 2007).

⁵ Hallvard Moe, "Defining Public Service beyond Broadcasting: The Legitimacy of Different Approaches", *International Journal of Cultural Policy* 17, no. 1 (2011).

⁶ Daniel Hallin and Paolo Mancini, *Comparing Media Systems beyond the Western World* (Cambridge: Cambridge University Press, 2012).

⁷ Viktorija Car, "Konvergirani javni medijski servis" [Convergent Public Media Service], *Politička misao* XLIV, no. 2 (2007).

⁸ Rade Veljanovski, "Mediji i država u tranziciji" [Media and State in Transition], *Godišnjak Fakulteta političkih nauka* 3, no. 3 (2009).

the process of transformation of *RTCG* as a state media into a public service broadcaster is considered. The second chapter will deal with the definition of public service broadcasting and basic characteristics of this system, including analysis of debates on the global and local levels, outlining the opposing views of theorists and international organizations concerning legislation, models of funding, remit debate and technology debate. The following subsections present debates on PSB in the countries of the Western Balkans, as well as a methodological framework used for research and analysis. In the third chapter the paper will present the public service broadcaster in Montenegro and identify the problems faced by this media outlet. In the fourth chapter we will analyze the legislation in Montenegro, the funding of the PSB, the process of digitalizing and the sociological, cultural and political aspects in which the public service broadcaster is trying to operate. The concluding chapters include a discussion of the main findings, final remarks and recommendations.

2.

Theoretical and Methodological Framework

Since the 1930s, researchers have not managed to find a unique and generally acceptable definition of public service broadcasting. A public service broadcaster can be defined as “a non-profit, independent radio television organization, founded in the name of the general public and financed by public funds, that through a variety of balanced and high-quality programs meets the needs of the largest possible number of citizens, or the general public, impartially and without discrimination.”⁹ The role of public service broadcasting (PSB) is to satisfy the different needs and tastes of the audience. This means that the program schedule is varied and that the public service can broadcast classical music concerts, and entertainment content that is different from that of the commercial media.¹⁰ John Reith stated eight basic principles underlying public service broadcasting: access for all citizens, universality of payment, a quality program, a medium that satisfies different tastes, attention to marginalized groups (minorities, children, the disabled, the poor), the promotion of national identity and community, complete independence from political influence, and editorial freedom.¹¹

Public service broadcasters today have significantly departed from the model advocated by Reith. Public service media organisations have yielded to commercialization imposed by the present media market, at the same time taking care not to get transformed into commercial broadcasters. What constitutes the difference between commercial and public broadcasters is visible in their program content, as well as in the funding method. A commercial broadcaster has no obligation to the public and is focused exclusively on profit, whereas a public service broadcaster has a duty to take due account of the interest of the public to be informed, educated and entertained, and to produce programming content intended for all levels of society. This obligation is understandable bearing in mind that the public service broadcaster is funded by the public and is required

⁹ Rade Veljanovski, *Javni RTV servis u službi građana* [Public Service Broadcaster to Serve Citizens] (Belgrade: Clio, 2005), p. 28.

¹⁰ United Nations Educational, Scientific and Cultural Organization (UNESCO), *Public Broadcasting. Why? How?* (Paris: UNESCO, Communication Development Sector; Montreal: UNESCO, Conseil mondial de la Radiotélévision, 2001), p. 19.

¹¹ Nada Rotar Zgrabljčić, *Radio - Mit i informacija, dijalog i demokracija* [Radio – Myth and Information, Dialogue and Democracy] (Zagreb: Golden marketing - Tehnička knjiga, 2007), p. 25.

to be transparent in its work, as opposed to the commercial broadcaster. Public service broadcasting is currently in a state of flux, influenced by rapid changes in the media market (such as convergence, development of the multi-channel environment, and fragmentation of the audience), technological advancements, political transformation, and financial influences.

2.1. Contemporary Debates on PSB on the Global and EU Level

Debates on the global and European level focus on the need for ensuring the independence of public service media, and adapting to changes in the modern market, namely the process of convergence, digitization and commercialization. The Parliamentary Assembly of the Council of Europe and UNESCO have attempted to facilitate the transformation of state-owned media into public service media through a range of recommendations. The CoE stresses that it is well aware of the technological, cultural, social and financial challenges the public service media are facing, but at the same time believes that the independence of public service broadcasting is an essential prerequisite for successful operation and the fulfillment of its obligations towards the citizens. Price and Raboy point out that a public service broadcaster is tasked with: informing the citizens in accordance with professional standards, serving as a source of unbiased information, providing the opportunity to hear different opinions, playing an important integrative role, providing quality program content, reflecting cultural diversity through its program, producing its own production, monitoring and using new technology.¹²

The main condition for the transformation of the state media into PSB is, therefore, its independent functioning from the state, and political institutions. "Independence is the core requirement for every public service media organisation. Without demonstrable independence of action and initiative, from government as well as from any other vested interest or institutions, public service media organisations cannot sustain their credibility and will lose (or never gain) popular support as a forum for carrying forward the national debate and holding power to account."¹³ Recent recommendations of the Parliamentary Assembly of the Council of Europe CM/Rec (2012) advise on public service

¹² Monroe Price and Marc Raboy, *Radio-difuzija javnog servisa u tranziciji* [Public Service Broadcasting in Transition] (Belgrade: Samizdat B92, 2002), pp. 139-140.

¹³ *Zbornik odabranih pravnih instrumenata Saveta Evrope u vezi sa medijima 2007-2014* [Collection of Selected Legal Acts of the Council of Europe on Media 2007-2014] (Belgrade: Council of Europe, 2015), p. 124.

media governance, i.e. ensuring their independence in terms of financing and appointment of Council members in the legal framework.¹⁴

The State will show readiness to support the public service broadcaster as a media system serving the citizens through adoption of legislation which favours the development of the public service, without interfering in its editorial policy, or trying to control the public service by designating their people as members of the management. EU States committed themselves, in Prague back in 1994, to establish an appropriate legal framework concerning the financing of the public service. The problem is that although the recommendations of the Council of Europe resulted in changes to media laws, essentially nothing really changed. Despite all the recommendations, in some countries the state still controls the public service. Werner Rumphorst considers that in countries with national public service broadcasting it is impossible to persuade the government to transform state media into a truly independent public service broadcaster.¹⁵ Even in countries with a long-lasting tradition of public broadcasting service there is a connection between the state and the public service. The *BBC* was not able to avoid financial dependence on the state, but in 1926, thanks to Reith, it successfully defended itself from politicians who wanted to take over the *BBC*. The Royal Charter, which was adopted in this period, was a sort of guarantee of the independence of the British public service. Independence is guaranteed by establishing a committee committed to prevent political pressures on the public service.¹⁶

2.1.1. Funding/Financing Debate

The first document that tried to tackle the way public service broadcasting should be funded was the Amsterdam Protocol, which was adopted in 1997.¹⁷ The protocol lists four principles that underpin public media funding: stability, independence, transparency and proportionality. Stability means regular financial support so that no given public service broadcaster should be forced to seek alternative ways of funding that would jeopardize its work. Independence means funding that will not result in political and economic pressures. Proportionality means that public service broadcaster will get as many funds as necessary for

¹⁴ Ibid, p. 124

¹⁵ Rumphorst, *Public Service Broadcasting*, p. 10.

¹⁶ In 2011, the economic crisis that shook the whole of Europe was reflected in the funding of the public services. The sustainability of the *BBC* as the first public service was questioned during the economic crisis that hit the UK among others. In 2011, the state allocated 103 million pounds (120 million euros) instead of the previous 137 million pounds (160 million euros) for the public service. The same year, the Director General of the *BBC* Mark Thompson, under austerity measures, announced the dismissal of 360 journalists and the elimination of 180 websites.

¹⁷ "Treaty of Amsterdam" (Luxembourg: Office for Official Publications of the European Communities, 1997).

normal operation. Transparency allows the use of funds with the aim of fulfilling the public interest, and the manner of spending funds is monitored by the appropriate authorities.

PSB can be financed through several methods: public funds, state funds, and commercial funds. Public funds means licence fees, general and special tax funds and state grants of various kinds. State funds include the financing of public broadcasters by the State, and commercial funds by advertising and sales of programs produced by the public service.

Back in 2001, the EU Commission concerned with the application of state aid rules to PSB suggested two models of funding from the government: “single funding” and “dual-funding”.¹⁸ The first model indicates that the public service receives financial support only by public funds, and the second suggests a combination of public funds and commercial activities of the media. European countries have accepted the second model, which means that the public service cannot survive without government assistance, but without financial independence we cannot speak of free media.

UNESCO advocates a subscription fee as an ideal model of funding. The license fee was a historical way of financing PSB. The key advantage of this model is that the aforementioned subscription method provides a direct link between the public service broadcaster and the citizens.¹⁹ Price and Raboy also claim that the subscription model is ideal for the financing of the public service, because a special relationship between the audience and the media is built in that way.

The Parliamentary Assembly of the CoE, in Recommendation 1878 (2009), advises broadcasting services to align the funding model with the specificities of their media market. A flat broadcasting licence fee, taxation, state subsidies, subscription fees, advertising and sponsoring revenue, specialised pay-per-view or on-demand services, the sale of related products such as books, videos or films, and the exploitation of their audiovisual archives are just some of the models of funding PSB.²⁰ The role of national parliaments in support of public service broadcasting is reflected in the following: ensuring that public service broadcasters have clear tasks, long-term funding opportunities, a sustainable structure, and allocation of an adequate radio frequency spectrum during the transition to a digital signal. National parliaments may investigate whether a commercial broadcaster may perform the role of a public service broadcaster in terms of providing special services, channels to the public, through audio-visual programs. The Recommendation CM/Rec (2007) of the Parliamentary Assembly of the Council of Europe has defined the manner of funding of public service broadcasting:

¹⁸ Access to European Union Law <http://eur-lex.europa.eu> (Accessed on January 13, 2015).

¹⁹ UNESCO, *Public Broadcasting*, p. 14.

²⁰ *Collection of Selected Legal Acts of the Council of Europe on Media 2007-2014*, p. 81.

“Member states should adopt the mechanisms needed to guarantee the independence of public service media organisations vital for their protection from control by one or more political or social groups. These mechanisms should be established in co-operation with civil society. Member states should define ways of ensuring appropriate and secure funding of public service media from a variety of sources – which may include licence fees, public funding, commercial revenues and/or individual payment – necessary for the discharge of their democratic, social and cultural functions.”²¹

The Parliamentary Assembly of the Council of Europe adopted recommendation CM/Rec 2012 on public service media governance on 15 February 2012. This document emphasizes that the state should not misuse any manner of funding as a kind of pressure on editorial policy, it must provide certain financial stability. The public service broadcaster should be consulted when determining the funding level.²²

2.1.2. Remit Debate

Despite all the changes in today's market, the public service broadcasting function remains unchanged. At a time of media commercialization and the creation of media conglomerates, the only medium that will take into account the interests of the citizens is the public service broadcaster. The public service broadcaster has the duty to provide citizens with information of public interest and to offer program content while observing the principles of universality, diversification, independence and distinctiveness.²³ The first principle is crucial since it guarantees the development of a democratic society in which no layer of society will be marginalized.

The public service broadcaster needs to integrate representatives of different social groups, communities, and minority groups into the society, as well as to create content for them and enable their representation in the program of the public service broadcaster. According to the Recommendation of the Parliamentary Assembly of the Council of Europe 1878 (2009) the public service should promote social progress, public interest in democratic processes, intercultural understanding and social integration, which represents “an important public asset which should not be diminished or abandoned.”²⁴ At the same time, in line with Recommendation CM/Rec (2012) public service broadcasters bear responsibility and are accountable to the State, the public,

²¹ Ibid., p. 11.

²² Ibid., p. 125.

²³ UNESCO, *Public Broadcasting*, p. 12.

²⁴ *Collection of Selected Legal Acts of the Council of Europe on Media 2007-2014*, p. 80.

civil society and broader communities of interest, while Recommendation 1878 (2009) states that the public service “should be subject to higher public scrutiny and accountability for their programming than commercial broadcasters.”²⁵

The Parliamentary Assembly of the Council of Europe points out that public service broadcasting in the XXI century must not forget its mission as a result of the commercialization of content. It is clear that public service broadcasters must adapt to the market in terms of program content and technical development. Otherwise, we will have public service broadcasters that are not watched, and therefore cannot be an important source of information for the public.

On the other hand, citizens are not sufficiently aware of the necessity of issues of public interest because they have accepted the content imposed by commercial media. The programming schedules of commercial media are more attractive to the majority of the public than the public service because they provide citizens with “good” entertainment. Will citizens want to fund programs which, in general, are less viewed? In an effort to increase the ratings, public service broadcasters have commercialized their business. Have public service broadcasters lost their function through commercialization and shifted into the field of commercial broadcasters? The authors Picard and Siciliani believe that public service broadcasters may raise their ratings in the following manner:

- “1. Topics of public interest must be presented in an interesting way so the audience will not search for an alternative to such a program.
2. Most of the audience is interested in entertainment and information, and if the public service does not follow this trend it will not be viewed.”²⁶

2.1.3. Technology/Scarcity Debate

In the circumstances of political pressures and financial obstacles, public service media organisations around the world are seeking to adapt to the modern market. The research of Annika Sehl, Alessio Cornia and Rasmus Nielsen²⁷ has shown that public service media organisations change more slowly than the environment in which they operate and the public that they serve. Based on interviews with 36 media professionals, the researchers have identified the challenges that new technologies pose for the public broadcasters: attracting the digital generation, delivering news on smartphones and social networks. The research has shown that in contrast to public service media organisations in France, Italy, Germany and Poland, the British *BBC* and Finnish *YLE* have succeeded in adjusting to modern market conditions. The researchers point out

²⁵ Ibid., p. 79.

²⁶ Picard and Siciliani, *Is There Still a Place for Public Service Television?*, p. 17.

²⁷ The researchers analyzed the modernization level of the use of new technologies in Finland, France, Germany, Italy, Poland and Great Britain.

certain characteristics that the *BBC* and *YLE* have in common: a market which is technologically more advanced, stable revenues, universality, lack of exposure to political pressures.²⁸

The Parliamentary Assembly of the Council of Europe has played an important role in the digitalization process by adopting a set of recommendations aimed at helping public service media organisations to adjust to the market more easily. On 31 January 2007, this organization adopted a recommendation on the role of public services in the information society. According to this recommendation the state is obliged to provide normal functioning of the public service broadcaster, financial independence and fulfillment of its role in the new digital environment. The recommendations of the Council of Europe are that public media should adapt to the changes and use new technical means in order to meet the expectations of its audience, to adopt laws on new communication services, ensure the functioning of the public service in the new digital environment in a transparent and accountable manner, and provide access to the public service for all individuals and different social groups.²⁹

On 25 November 2010 the European Parliament adopted a resolution on the public service in the digital age: the future of the dual system. This resolution prescribes some recommendations to the states:

- to provide resources for technological improvement of public service broadcasting;
- to provide all citizens in urban and rural areas with access to public service broadcasting;
- to facilitate switching from analogue to digital television for the consumers.
- to take into account the role of public service broadcasting in society, i.e. the quality of the program must take priority, regardless of political influence and commercial pressure.
- to ensure fair competition between the public service broadcaster and the commercial media in the market
- to intensify the cooperation between national media regulators within the European Platform of Regulatory Authorities (EPRA) and exchange experience.³⁰

Public service media organisations in Europe are trying to follow the said recommendations with more or less success. Public broadcasters have excellent market coverage and have switched from analogue to digital signal. However, the lack of technological equipment due to the financial crisis and “serving” the

²⁸ Annika Sehl, Alessio Cornia and Rasmus Kleis Nielsen, *Public Service News and Digital Media* (Oxford: Reuters Institute for the Study of Journalism, 2016), p. 39.

²⁹ Ibid., p. 22.

³⁰ European Parliament, Resolution on Public Service Broadcasting in the Digital Era: The Future of the Dual System (Strasbourg: European Parliament, 2010).

citizens in the circumstances of political pressures make the operation of public service broadcasters difficult.

One of the greatest challenges faced so far has been the process of digitalization and a question has been raised regarding the position of the public service in the digital age. Hallvard Moe writes that with the expansion of digital television European public broadcasters have been forced to operate in a competitive environment. He believes that one of the advantages of digitalization is significant financial savings both for public and commercial broadcasters.³¹ The influence of the development of technology has resulted in changes in broadcasting, i.e. it has led to increased interaction with the audience, as well as participation in the program.

The process of digitalization has affected the basic principles of the public service. As early as in 2002 the EBU stated in the document “Media with a Purpose: Public Service Broadcasting in the Digital Era” that the new technology has changed the concept of universality. Thus, universality does not only include a couple of channels for the entire population, but offers the audience a wide range of services across diverse media platforms. Adapting to the digitalization process, public service broadcasters can provide additional services to the public, special channels for specific target groups, as well as the services of a “personalized public service broadcaster.”³²

2.2. Key Issues Regarding PSB in Post Communist Countries and the Western Balkans

Changes in global politics, namely the fall of the Berlin Wall and the collapse of communism, resulted in changes in the political and media systems in the countries of Central and Southeast Europe. Car explains that there was a significant difference between post-communist and democratic countries in the function of the media. In post-communist countries media were used solely as a means of propaganda, and in democratic countries the State had little influence on the media, censorship was forbidden, and the citizens had the right to free access to information.³³ Was it realistic in such circumstances to expect democratization of society and the media in post-communist countries?

There is no doubt that the countries of the Western Balkans, during their transition towards liberal democracy, have progressed in achieving certain media standards, such as a degree of media freedoms, media pluralism, free flow of

³¹ Moe, “Defining Public Service beyond Broadcasting”, p. 55.

³² Jakubowicz, *Public Service Broadcasting*, p. 16.

³³ Car, “Convergent Public Media Service”, p. 117.

information, etc. However, we should not delude ourselves that the media in the Western Balkans have managed to break the monopoly of the state and regime parties. Veljanovski explains that two directions of change have been imposed on the transition countries: the democratic transformation of the media system, which includes the accountability of the State, and professional transformation, which relies on media professionals.³⁴ The author points out that the Western Balkan countries have accepted the transformation in accordance with democratic values and standards, but it is also obvious that the governments have not been ready to assume real changes in the media system.

The basic preconditions for the successful transformation of the media system in the Western Balkans are: release from political influence, ownership transformation in the media market, and application of the principles of deregulation, i.e. unhindered establishment of the media. None of these changes have held in practice. In fact, time has shown that the transformation of the media system from the communist model to social responsibility model has failed.

One of the changes in the media scene in the Western Balkans was the establishment of the Public Service Broadcaster, aiming to represent the interests of citizens. The establishment of the first public service media in post-communist societies was initiated through the adoption of legislation and the emergence of the first private media at local and later at national level. The legislation was adopted, but public service broadcasters in the Western Balkans still cannot get rid of political interference. Polish sociologist Marek Ziolkowski has called the transformation of former state media into public service media in the post-communist countries “imitative transformation”. The problem is that the society in specific political and socio-economic circumstances was not mature enough for a real transformation.

Hallin and Mancini suggested a different classification of media systems. Depending on the degree of links between political structures and media, the authors make a distinction between the following media systems: liberal, democratic-corporatist, Mediterranean.³⁵ The liberal media system is characterized by a high degree of media freedom and is characteristic of the USA, Canada, the UK and Ireland. The democratic corporatist system provides partial autonomy of the media in countries such as Austria, Belgium, Denmark, France, the Netherlands, Norway and Switzerland. The characteristics of the Mediterranean system are the interference of politicians in the work of public service broadcasters, and poor professionalism of journalists. This system is found in Greece, Spain, Portugal, Italy. We can also say that the Mediterranean system is typical of most of the countries of the Western Balkans. Jakubowicz

³⁴ Rade Veljanovski, “Mediji i država u tranziciji” [Media and State in Transition], *Godišnjak Fakulteta političkih nauka* 3, no. 3 (2009), p. 366.

³⁵ Hallin and Mancini, *Comparing Media Systems beyond the Western World*, pp. 10-11.

distinguishes between three models of transformation of state media into public service media: paternalistic, democratic and emancipatory and systemic.

2.3. Methodological Framework

In order to carry out a detailed study of the public service model in Montenegro, we have analyzed the following documents:

1. Recommendations from international organizations that played key roles in the development of this model in the modern market, such as the Council of Europe, UNESCO.
2. Existing legislation, as well as the regulations that preceded the transformation of the state-owned media company into a public service broadcaster.

In addition, we interviewed nine persons, who expressed their opinions on the position of and the problems in the Montenegrin public service broadcaster. The interviewed persons are two members of the Montenegrin public service Council, two members of the working group in the process of drawing up media laws in 2002, two media experts, the former Vice- President of the EBU Boris Bergant, a representative of the Media Directorate within the Ministry of Culture, and the editor of one of the commercial broadcasters in Montenegro. The persons selected as our interviewees have an excellent knowledge of the work methods and operation of the Montenegrin public service media. For the purpose of collecting information, we applied the method of semi-structured face-to-face interview in the duration of 50 minutes, from October 2014 to April 2015. In agreement with the interviewees their identity is protected. The interviewees answered different questions concerning the transformation process, the manner of financing the public service media, the digitalisation process and use of modern technologies. Their answers provided numerous pieces of new information about the very beginnings of the transformation of the state-owned media into a public broadcasting service, as two of our interviewees were members of the Working Group engaged on drafting the legal framework in Montenegro.

3.

Country Background

3.1. Socio-Political and Economic Context

Montenegro has renewed its statehood following the referendum in 2006.³⁶ Article 1 of the Constitution of Montenegro says that Montenegro is a civil, democratic, ecological, welfare state based on the rule of law. Its political system is described as an electoral democracy. On the one hand, the Democratic Party of Socialists (DPS) has been in power for 27 years, and on the other, the elections were assessed as fair and democratic by international organizations. The power in Montenegro is divided into legislative, judicial and executive.

In its recent history, Montenegro has gone through a long, two-phase transition - from being a republic within the Socialist Yugoslavia (until 1990), then constituting the Republic of Yugoslavia and later on the State Union with Serbia (until 2007), to a democratic and independent state. The first phase of transition took place from 1989 to 1997, after Yugoslavia's breakup and the disintegration of the socialist system, and was marked by a semi-authoritarian regime. Montenegro is one of the few countries in which the first multiparty elections³⁷ after the fall of communism were won by the Communist Party, namely the younger generation of the League of Communists that changed its name to the Democratic Party of Socialists (DPS) in 1991.³⁸ The next elections in 1992 and 1996 did not bring any substantial change in Montenegro, but confirmed the dominance of the DPS. In the period of the first transition, opposition parties³⁹ came under strong attack from the ruling party because they were supporters of Montenegro's independence and opponents to the war. During the Yugoslav wars from 1990 to 1995, "civil and

³⁶ The state has a long state tradition, but it lost that status after the World War I. The 2006 Referendum on the state status of the Republic of Montenegro was held on 21 May 2006. The turnout was 86.5%, with 55.5% of the citizens voting for independence. The international community immediately recognized the independence of the country; the Referendum was seen as fair and democratic.

³⁷ The first multiparty election was held in 1990.

³⁸ Demokratska partija socijalista Crne Gore [Democratic Party of Socialists of Montenegro], <http://www.dps.me> (Accessed on December 12, 2015).

³⁹ Liberalni savez Crne Gore (LSCG) [Liberal Alliance of Montenegro], Socijaldemokratska partija (SDP) [Social Democratic Party of Montenegro].

media freedoms were quite limited and followed by police control of the society and strengthening of the network of clientelistic relations.”⁴⁰

The second phase of the transition started with an internal conflict in the ruling DPS party. The division of the party was caused by the different political visions of the two leaders of the DPS – Momir Bulatović who supported Milošević’s politics in Serbia, and Milo Đukanović who supported the democratization of the country. As a result of the conflict, the DPS split into the SNP led by Bulatović and the DPS led by Đukanović. In the second round of presidential elections in Montenegro held on 19 October 1997, the DPS, i.e. Milo Đukanović, came out as the winner in the elections. The elections represented the end of the stagnant period of transition and marked a move toward a more substantive transition. In 1997, as President of the Government, Đukanović signed with the opposition the Agreement on the Minimum Principles for Development of a Democratic Infrastructure in Montenegro. This Agreement served as a sort of guarantee that the forthcoming election would be fair. The parliamentary election in 1998 cannot be characterized as democratic, but it represented significant progress in accordance with international standards.⁴¹ Further democratic development slowed down after 1998 due to several factors: threats of war from Belgrade, the 1999 conflict in Kosovo, and the unresolved state issue. During this period, more precisely in 2000, Milošević lost the elections to the united opposition, i.e. the Democratic Opposition of Serbia (DOS). It should be noted that the DOS worked closely with the President of the SNP, Predrag Bulatović. The third phase follows the period since Montenegro declared itself independent from its union with Serbia, following the referendum results in 2006 until today.

Montenegro is the only country of the former Yugoslav republics in which there has been no change of government since 1989, although the first multi-party elections were held in 1990. Since 1989, Montenegro has been governed by the same party, first the League of Communists of Montenegro, which changed the party’s name in 1991 to the DPS.⁴² From 1990 to date, 6 presidential and 9 parliamentary elections have been held in Montenegro. The DPS has won in all elections except in 2001 and 2012 when they did not win absolute power, but were forced to enter into a coalition. Today, there are 43 active political parties on the Montenegrin political scene, although there are 55 registered parties.

⁴⁰ Boris Vukićević and Zlatko Vujović, “Ustavni i politički pravni okvir parlamenta u Crnoj Gori (1989-2012)” [Constitutional and Legal-political Framework of the Parliament in Montenegro, 1989-2012] in *Demokratske performanse parlamenata Srbije, Bosne i Hercegovine i Crne Gore* [Comparative Analysis of Democratic Performances of the Parliaments of Serbia, Bosnia and Herzegovina and Montenegro], ed. Slaviša Orlović, (Belgrade; Sarajevo; Podgorica: Čigoja štampa, 2012), p. 56.

⁴¹ Vukićević and Vujović, “Constitutional and Legal-political Framework of the Parliament in Montenegro, 1989-2012”, p. 57.

⁴² Democratic Party of Socialists of Montenegro.

3.2. Media System

The political situation in Montenegro has naturally been reflected in the media system as well. Until 1993 only state-controlled media operated in Montenegro's semi-authoritarian system. The Public Information Act of 1993 contributed to the appearance of the first private media in Montenegro, but did not result in the emergence of independent and free media. The Act facilitated the process of media privatization, introduced media pluralism and the inflow of foreign investment in the media market, while the former state media remained in the hands of the ruling political party. With the next Law on Public Information Service in 1998, the media were partly liberated from the domination of political parties. Since 2000, Montenegro has been on its way towards European integration, and it accepted the Charter of Freedom of the Press. This meant that Montenegro started to plan comprehensive reform of the media. Implementation of activities began the following year by forming a working group for drafting legislation on the media. The working group was composed of representatives of the media, media associations, and the government, in cooperation with the international community. Eleven months of work resulted in the adoption of the Law on Media, Law on Broadcasting and Law on Public Service Broadcasting Media Radio Montenegro and Television of Montenegro. These laws were adopted in 2002, but have not improved the situation of the media, nor increased the level of press freedom in Montenegro. This is best illustrated by the fact that according to Reporters Without Borders, Montenegro was ranked 114 in the level of its media freedom in 2015.⁴³

Today Montenegro's public service broadcaster operates in a small market where 19 television channels (3 local public service broadcasters and 16 commercial stations) and 53 radio stations (14 local public radio broadcasters, 37 commercial and 2 non-profit radio broadcasters) are fighting for the public's attention. A large number of media outlets in a small market, and low advertising revenues have led the media into a position of fighting for survival. According to some public estimates "annual turnover on the Montenegrin market of AVM commercial services is between 5.5 and 6 million euros. Of this amount, the radio broadcasters accounted for less than one million euros, and the TV stations about 5 million"⁴⁴. It is estimated that the money available annually for marketing on the Montenegrin market is from 9 to 9.5 million euros.⁴⁵

Participation of *RTCG* in marketing revenue is below 25 percent. According to the financial reports of the public service broadcaster, in 2012 marketing revenue

⁴³ Reporters without Borders <https://rsf.org/fr/montenegro> (Accessed on July 7, 2016).

⁴⁴ Member of the working group in 2002, MNE 01, interview with the author in 2015. (the interviewee requested to remain anonymous)

⁴⁵ Centre for Civic Education, Embassy of the Federal Republic of Germany, *Jednake šanse za sve medije u Crnoj Gori?* [Equal Chances for All Media in Montenegro?] (Podgorica: CCE, 2014), p. 16.

amounted to 1,516,847 euros and the following year the *RTCG* earned 1,416,932 euros from marketing. In 2014 this figure amounted to 1,534,752 euros.

As *Reporters Without Borders* rankings indicate, the level of media freedom in Montenegro is increasingly falling.⁴⁶ In 2009 Montenegro was rated 77⁴⁷ regarding the level of media freedom, but in the next year the rating plummeted to 104. The decline continued in 2011/12, when it reached 107, and in 2013, with 113th place. The physical assaults on journalists Mladen Stojović in 2008, Tufik Softić⁴⁸ in 2007 and 2013, Lidija Nikčević in 2014, the burning of cars owned by the media group *Vijesti* in 2011 and the attack on the editorial staff of *Vijesti* in 2013 as well as on opposition media newsrooms in same year, have contributed to these ratings. In the last two years Montenegro has occupied a stable position of 114. It is clear that journalists and the media in Montenegro are under pressure from the state, or owners who realize their interests through the media and constantly threaten their enemies. CEDEM research in 2011 showed that, out of a sample of 147 journalists, over 55 percent of respondents negatively assessed the degree of media freedom in Montenegro. However, journalists working in the state media were more satisfied with the level of media freedom in comparison with journalists who are employed in the private media sector.⁴⁹

Table 1. Media Sustainability Index, IREX (scores for 2001, 2006/7, 2010, 2015)

Indicator(s)	Year			
	2001	2006/7	2010	2015
Free speech	1.77	2.83	2.22	2.35
Professional journalism	1.34	2.29	2.11	1.99
Plurality	1.98	2.27	2.41	2.46
Business management	1.16	2.57	2.05	1.80
Supporting institutions	1.68	2.66	2.24	2.12

Sources: MSI annual reports,
<https://www.irex.org/resource/media-sustainability-index-msi#europe-eurasia>

⁴⁶ The organization Reporters without Borders assesses the level of media freedom based on the conditions under which journalists work, i.e. the adopted media laws, and number of murdered and attacked journalists.

⁴⁷ Montenegro ranked 77th out of 180, which is the best Montenegro indicator since its independence.

⁴⁸ Tufik Softić is the only journalist in Montenegro awarded the status of protected person by the Government of Montenegro.

⁴⁹ Center for Democracy and Human Rights, <http://www.cedem.me> (Accessed on January 13, 2016).

As can be seen from the table, Montenegro had the highest indicators of almost all parameters in the year when it gained independence (2006/2007). We can definitely say that there is external pluralism in Montenegro because the media operate in the market with different editorial policies. It is evident that the professionalism of journalists is in constant decline since media professionals identify themselves with the editorial policies of the media companies employing them. The progress report on Montenegro assessed that the country had made certain progress in the field of information society and media. At the same time there is concern regarding the independence of the Agency for Electronic Communications and Postal Services and the Agency for Electronic Media. The report also indicates that financial unsustainability is one of the main problems of the public service broadcaster, hindering its independence and freedom.⁵⁰

⁵⁰ European Commission, Montenegro Progress Report (Brussels: European Commission, October 8, 2014), p.26.

4.

Public Service Broadcasting in Montenegro: Research Findings

4.1. Background on PSB in Montenegro

The history of TV journalism in Montenegro began when the first transmitter was installed on Mount Lovćen in 1956. In this way, the citizens of Montenegro (belonging to Yugoslavia at that time) were given the opportunity to follow Italian television programming. Eight years later the first report recorded by *TV Titograd* journalists was broadcast during the news program of *TV Belgrade*. In 1968, the Montenegrin public had the opportunity to watch the first weekly chronicle “Through Montenegro”, which grew into the daily show “News of the Day” three years later. *TV Titograd* first began broadcasting from their studios in 1971, and in 1975 they began broadcasting television news. In 1984 *TV Titograd* got better technical conditions and spatial capacities for its professional work. In 1991 *RTV Titograd* changed its name to *Radio Television of Montenegro*. During the 1990s wars in the former Yugoslavia, *RTCG* became known for the dissemination of hate speech and war mongering journalism.

A new chapter in the history of *RTCG* started with its establishment as a public service broadcaster in 2002. The transformation process itself passed through three phases. The preparation phase included an analysis of the European experience, with a focus on countries in transition, the preparation of professional studies and the establishment of all necessary conditions for the PSB operation. The second phase include defining the structure and program goals of the PSB, the structure of the technical base necessary for broadcasting, a functional organizational and staffing scheme, stable sources of funding, establishment of an independent company to transmit and distribute radio and television signal on the territory of Montenegro. The third stage included the adoption of new laws, developing their management bodies, a model of funding that would operate on a stable basis, and a functional regulatory framework.⁵¹ Montenegro’s public service broadcaster was not created after the *BBC*’s model, but represents a mixed model, or a combination of classical and semi-commercial model.

From 2002 to 2016 Montenegro’s public service broadcaster *RTCG* has not undergone significant changes. Laws and managements have been changed, but the problems remain the same. Despite legislative and regulatory changes and

⁵¹ Member of the working group in 2002, MNE 01, interview with the author in March 2015. (the interviewee requested to remain anonymous)

media reforms, the persistent problems that *RTCG* has dealt with are related to financial losses, state funding, state influence on editorial policy,⁵² a surplus of employees, outdated equipment, and delays in the process of digitalization.

Today the public service broadcaster has two television channels, namely *TVCG1* and *TVCG2*, which broadcast within the territory of Montenegro, and a satellite channel that aims to inform the Montenegrin diaspora. *Radio Montenegro* broadcasts on two channels – *RCG* and *R98*. Since 2012 the PSB has occupied a stable second position in its rating. A CEDEM⁵³ survey in 2012 showed that the first program of *TVCG* is regularly watched by 24.9 percent of the population, and the second program by 14.9 percent of the population.

Table 2: Viewership rating in 2012

	I never watch the program	I rarely watch	I sometimes watch	I regularly watch	I watch every day
<i>TVCG I</i>	12.3	16.6	30.1	24.9	16.1
<i>TVCG II</i>	13.3	26.6	33.8	14.9	11.4

Source: CEDEM, “Citizens Views of Media Freedom in Montenegro”, 2012.

This research shows that the program of the public service broadcaster is followed on a daily basis by around 27 percent of the citizens, but an almost identical number of respondents (about 26 percent) declared that they never follow *RTCG*. However, the indication that 39.8 percent of the citizens regularly follow the public service programme speaks of the trust that they have in this media company. On the other hand, commercial broadcasters dispute this information, as they believe that research in Montenegro does not employ methods such as the people meter, and therefore such data may not be precise.

The popularity of the PSB program was demonstrated by another survey, conducted a year later. According to a survey conducted by IPSOS from 9 to 15 December 2013, *TVCG* has increased its viewership. The commercial *TV Pink* was rated first, followed by the PSB (21.7 percent). The survey demonstrated that the viewership of the news program *TVCG* at prime time had increased by 30 percent.⁵⁴

⁵² For example, the former general manager of the public service broadcaster Branko Vojičić, after being removed from his post, openly spoke about the political pressure on *RTCG* and the interference of political officials in the editorial policy. Source: Slavko Radulović, “Vojičić zvanično obznanio: Političari nam uređuju Javni servis” [Vojičić Officially Declared: Politicians Are Governing Our Public Service Broadcaster], *Vijesti*, August 18, 2011.

⁵³ Center for Democracy and Human Rights (CEDEM), *Stavovi građana o medijskim slobodama u Crnoj Gori: izvještaj* [Citizens Views on Media Freedoms in Montenegro] (Podgorica: CEDEM, July 2012).

⁵⁴ Portal Analitika, “IPSOS: TV Pink najgledaniji, rast rejtinga RTCG, pad rejtinga Vijesti” [IPSOS: TV Pink the Most Watched, Rating Rise of RTCG, Lower Rating of Vijesti], *Portal Analitika*, January 18, 2011. But, on several occasions, the validity of such research has been disputed by representatives of commercial broadcasters. “I would not take any of this research up to this point particularly seriously because I do not see what the arguments for the validity of this research are” (editor of one commercial broadcaster, MNE 03, interview with the author in 2015) (interviewee requested to remain anonymous).

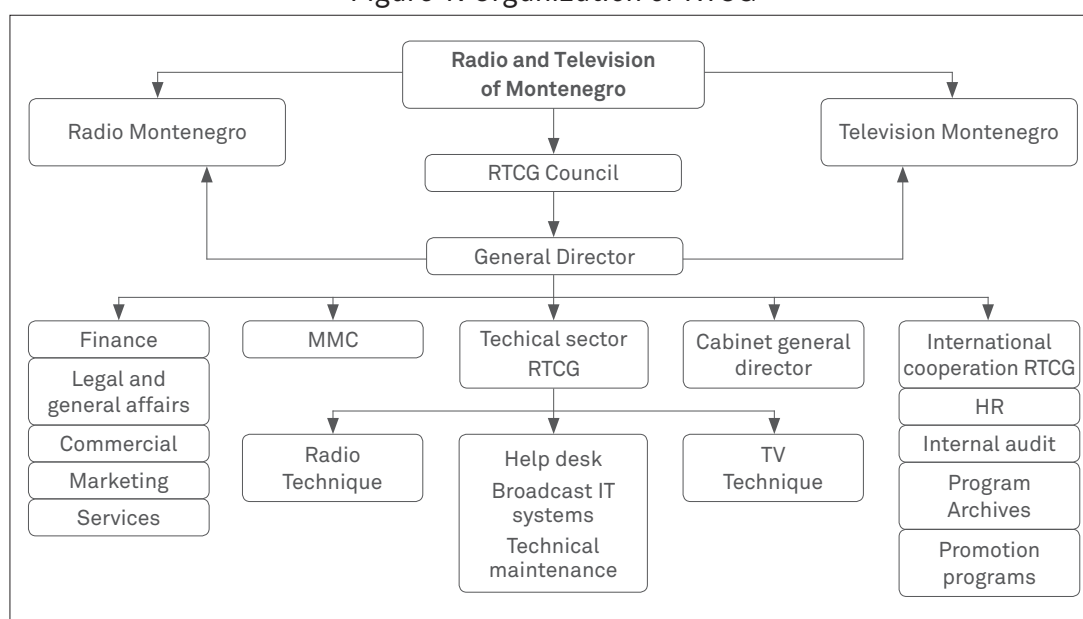
Table 3: The most popular TV station in Montenegro

<i>TV Pink</i>	27.4%
<i>RTCG</i>	21.7%
<i>TV Vijesti</i>	20.4%
<i>Prva TV</i>	14%

Source: Portal Analitika, “IPSOS: TV Pink the Most Watched, Rating Rise of RTCG, Lower Rating of Vijesti”

When it comes to the structure of PSB, the main administrative authorities are the *RTCG* Council and the Director General. The members of the PSB collegium, in its narrow composition, are the *RTCG* Director General, the Director of *Radio of Montenegro*, the Director of Television and the Head of Montenegro *RTCG* techniques. The collegium in its broad composition is represented by the *RTCG* Director General, Director of *Radio of Montenegro*, Director of *TVCG* and Head of *RTCG* techniques, as well as the heads of service *RTCG* (see Figure 1).⁵⁵

Figure 1: Organization of RTCG



Source: Rulebook on internal organization and job descriptions in the public company *Radio and Television of Montenegro*⁵⁶

⁵⁵ Radio and Television of Montenegro, *Pravilnik o unutrašnjoj organizaciji i sistematizaciji radnih mjesta Javnog preduzeća Radio i Televizija Crne Gore* [Rulebook on Internal Organization and Job Descriptions in the Public Company Radio and Television of Montenegro] (Podgorica: Radio and Television of Montenegro, 2011), p. 5.

⁵⁶ Ibid, p. 10.

The Council of *Radio and Television of Montenegro (RTCG)* is one of the managing bodies and has 9 members. The criteria for the selection of Council members are determined by Article 25 Law on Public Broadcasting Services of Montenegro. A member of the Council shall be an esteemed expert in the field of journalism, law, economics, technical sciences, sociology or marketing, residing in Montenegro, and with a university degree as a minimum. Membership candidates for the Council are, one each, proposed by universities in Montenegro, the Montenegrin Academy of Sciences and Arts and *Matica crnogorska*, non-governmental organizations in the field of culture, the Montenegro Chamber of Commerce and Employers' Association, a non-governmental organization in the field of media, NGOs in the field of human rights, national, and gender equality, the right to protection of the environment, consumer protection, and rights of persons with disabilities, trade unions represented in the Social Council, and the Montenegrin Olympic Committee. In order to avoid conflicts of interest, the candidates must not be a minister, alderman, a person appointed by the Assembly, Government or President of the State, *RTCG* employees, officials of political parties, persons who are owners, shareholders or members of the management body associated with audiovisual production, spouses and persons who are under criminal investigation.

The appointment procedures of *RTCG*, duties of the Council, members' removal from position, termination of office, member suspension, the obligations of the Director General, and the responsibilities of the *TVCG* Director are set out from Article 20 to Article 54 of the Law on Public Broadcasting Services of Montenegro (2008). According to Article 22, the Council adopts the Statute, elects the president and vice president among the members of the Council, appoints and dismisses the *RTCG* Director General, adopts general documents related to the program and professional standards, policy documents and general acts on internal organization and job classification, adopts work plans, periodic and annual reports, investment and financial plans by a certified auditor, adopts the financial report, analyzes the application in relation to the violation of program principles, appoints the Commission for listener and viewer complaints from the members of the Council, makes decisions on mortgage placement on *RTCG* assets, purchase or sale of assets, approves the taking of bank loans, and adopts rules.

By 1 June 2003, the public service broadcaster had 1,014 full-time and about 200 part-time employees. This was a burden on the broadcaster with regard to the financial situation, since two-thirds of the income was spent on wages and labour costs. International experts estimated that the PSB would function normally with about 680 employees. In accordance with the recommendation, in 2007 the number of employees had already been reduced to 793.⁵⁷ However,

⁵⁷ Milka Tadić Mijović, "Transformacija RTCG u javni servis (zakonski okvir i praksa)" [Transformation of RTCG into Public Service Broadcaster (Legal Framework and Practice)], (Master thesis, Faculty of Political Science University of Montenegro, 2009), p. 50.

the public service broadcaster still has not solved this problem, and recently the number of employees was again reduced, to 705.⁵⁸ The public service broadcaster was forced to let go of so many journalists because the costs of gross wages and transport amounted to 7.5 million euros.⁵⁹ Another major problem in the Montenegrin media scene, among other things, is nepotism.⁶⁰

4.2. Regulation of PSB

The legal ground for PSB development in Montenegro was set in 2002 by the adoption of several important laws. In 2002, Montenegro legally regulated its media scene, operation of print and electronic media for the first time by adopting the Media Law, Broadcasting Law, and the Law on Public Broadcasting Services of the Radio of Montenegro and the Television of Montenegro. Intensive work within the working groups, combining external and internal expertise and experience, preceded the adoption of these media laws.

Members of the working group⁶¹ tasked to work on the transformation of *RTCG* into a genuine PSB were faced with a major dilemma regarding the appropriate model of legislation to be used. The starting points in drafting the Law on Public Service Broadcasting Media were the international conventions and recommendations of the Council of Europe such as the International Covenant on Civil and Political Rights, the European Convention on Human Rights and Fundamental Freedoms, Declaration of the Council of Europe on freedom of expression and information, and the Directive of the European Union on “Television without Frontiers”.

According to the legislation adopted in 2002, Montenegro committed to privatize the print media *Pobjeda* and transform *RTCG* into a public service broadcaster. As witnessed by one of the interviewees, an essential role in the process of PSB transformation was played by IREX Pro Media, which engaged OSCE consultant Henrik Bussik to draft the media laws. Later in the process, experts of the CoE were engaged to comment on these drafts, contributing to their

⁵⁸ Maša Mališić, “Konstantan rast posjete portalu RTCG” [Continuous Growth in the Number of Visits to the RTCG portal], *RTCG*, October 24, 2014.

⁵⁹ Ibid.

⁶⁰ For example, the Director General of the public service broadcaster, Rade Vojvodić, first brought journalists from the former media company to *RTCG* without vacancy announcements, and then hired another six of ‘his’ people. See: Slavko Radulović, “Sa IN-a na RTCG došli mimo zakona” [Transferred from IN to RTCG against the Law], *Vijesti*, March 14, 2012.

⁶¹ A working group was formed led by the Republic Secretariat for Information, which worked on the laws for eleven months. International organizations like CoE, OSCE, IREX, and the European Agency for Reconstruction also had an important role in this process. The working group included representatives of the Government, the Montenegrin civil sector, professional associations, and public and private media.

further development. As witnessed by an interviewee, “the opposition parties were opposing the process of transforming the state media into a public service broadcaster. They even appealed to citizens not to pay the subscription fee to the public service broadcaster.”⁶² (interviewee requested to remain anonymous).

Initially adopted laws were subject to later amendments. Amendments to the Law on Public Broadcasting Services of Montenegro were adopted in 2008 and 2012. The Law on Electronic Media was passed in 2010, and the following year brought slight modifications of the Law. The Law on Public Broadcasting Services of Montenegro regulated the functioning of the public service, while the Law on Electronic Media laid down the method of establishing public broadcasters, program content, financing, the work of the management bodies, and advertisement and teleshopping airtime. The foregoing laws have not improved the work of the public service broadcaster because they were no guarantee of financial stability, and thus *Radio and Television of Montenegro (RTCG)* could not have editorial autonomy in practice. The Law on Public Broadcasting Services of Montenegro of 2008 in fact enabled the State to fully take control of the public service broadcaster.

As an EU candidate, Montenegro has committed itself to respect European standards and reflect them in local legislation.⁶³ Following negotiations on Chapter 10 (Information society in media), started on 31 March 2014, Montenegro was obliged to introduce changes in national legislation, guided by the standards of the EU in the field of electronic communications, information society services and audio visual policy. In chapter 10 of the Commission Progress Report on Montenegro 2015, it was stated that Montenegro still lacks the financial resources for the proper operation of public service broadcasters and the digitalisation process.

As a member of the CoE since 2007, Montenegro has the obligation to respect all recommendations and resolutions prescribed by this organization. Montenegro is trying to comply literally with all regulations of the CoE, but, in recent years, without organizing public hearings. One interviewee said that in the preparation and drafting of laws, the participation of the non-governmental sector and representatives of media organisations used to be usual practice. However, in recent years, media laws have undergone amendments without public debates or the presence of the civil sector.⁶⁴

⁶² Member of the working group in 2002, MNE 04, interview with the author in 2015. (the interviewee requested to remain anonymous)

⁶³ On 15 December 2008, Montenegro submitted a request for membership in the EU, and received the official status of a candidate country two years later. Accession negotiations with Montenegro started on 29 June 2012. Till 13 December 2016, 26 chapters were open and closed, including chapters regulating the media. Delegation of the European Union to Montenegro, <http://www.delmne.ec.europa.eu/code/navigate.php?Id=56> (Accessed on April 15, 2017).

⁶⁴ Member of the working group in 2002, MNE 01, interview with the author in 2015. (the interviewee requested to remain anonymous)

The lack of public hearings in the process of media development and drafting laws indicates the intention of the political elites to keep the process away from professionals, interested parties, and citizens. The former Vice-President of the EBU, Boris Bergant, criticizes the government because of this lack of public hearings, despite visible progress. According to him, the Parliament changed the law three times in August 2012 without any public debate.⁶⁵

However, during the recent amendments to the Law on Public Service Broadcasting Media of Montenegro⁶⁶ and amendments to the Law on Electronic Media,⁶⁷ public hearings were organized. If we compare the Law on PSB from 2002 and the 2008 Law on Public Broadcasting Services of Montenegro, we find that the first law guaranteed a higher level of freedom of the public service broadcaster. That is the reason why NGOs submitted various proposals to change the new regulations. For example, the Centre for Development of NGOs proposed to increase the number of members of the Council to 13.⁶⁸ The proposal was based on the rationale that a greater number of NGO representatives in the Council will ensure the independence of this body. The NGO Human Rights Action proposed that the Parliament should not appoint and dismiss the members of the Council, but should ensure the legality of the appointment process.⁶⁹ The opposition Socialist People's Party warned that amendments to the Law would allow the government to control the Council, which would be composed of people who are close to the leading parties.⁷⁰ None of the objections of the NGOs were accepted. The public consultation on the amendments to the Law on Public Broadcasting Services of Montenegro, which was organized in October 2014,⁷¹

⁶⁵ Boris Bergant, interview with the author in April 20, 2015.

⁶⁶ The Directorate for Media of the Ministry of Culture organized a public hearing which began on 15 October 2014 and lasted for 40 days. On the website of the Directorate for Media of the Ministry of Culture a call was published for all interested to join the discussion.

⁶⁷ The Directorate for Media of the Ministry of Culture organized a public hearing which began on 3 April 2015 and lasted for 40 days. On the website of the Directorate for Media of the Ministry of Culture a call was published for all interested to join the discussion.

⁶⁸ Pursuant to the first Law on Public Broadcasting Services Radio of Montenegro and Television of Montenegro, the Council had 11 members, and pursuant to the new Law on Public Broadcasting Services, it has 9.

⁶⁹ Human Rights Action, "Akcija za ljudska prava o Nacrtu zakona o izmjenama i dopunama Zakona o javnim radio-difuznim servisima "Radio Crne Gore" i "Televizija Crne Gore" [Human Rights Action on the Draft Law Amending the Law on Public Broadcasting Services "Radio of Montenegro" and "Television of Montenegro"] (Podgorica: Human Rights Action, September 12, 2008), p. 1.

⁷⁰ "Nacrt koraka unazad" [Draft Steps Back], Socialist People's Party of Montenegro, November 7, 2008. <http://snp.co.me/vijesti.asp?kat=15&id=2122> (Accessed on January 15, 2016).

⁷¹ Consultation organized by the Ministry of Culture and announced by publishing the draft Law. The invitation was addressed to the citizens, state authorities, municipalities, scientific institutions, political parties, trade unions, professional associations, the non-governmental sector, religious communities and media.

mostly concerned the financing of the public service broadcaster, which will be discussed in subsection 4.3.

During public consultations held on the occasion of amendments to the Law on Electronic Media, proposals were put forward by the Union of Local Public Service Broadcasters of Montenegro (ULES), representatives of the non-governmental sector and commercial broadcasters. ULES proposed to secure the work of public broadcasters through regulation and funding. One of the proposals of the ULES related to the funding of local public broadcasters by the State, as well as the release of payment of the costs of the public service to the RDC⁷² for local public broadcasters. A group of NGOs proposed to establish a fund for the promotion of media pluralism, which would be financed by fees paid by AVM service providers, as well as by the State in the amount of 0.005% of GDP, with the aim of stimulating the production of programmes of public interest. Areas of public interest are determined each year by the Council of the Agency for Electronic Media. The commercial broadcasters *TV Prva* and *TV Pink* proposed to establish a fund for the financing of independent producers. In addition, they asked for a precise definition of what type of program should be produced by public broadcasters for the money they receive. Commercial broadcasters believe that the State should set up a fund for the development of commercial media as well.⁷³ According to the editor of one commercial broadcaster, the hearings are a formality because opinions of the media and civil sector are not respected. Therefore, the previous Law on Electronic Media was adopted without public debate and within the shortest deadline possible. A key problem also included the working groups, as only two of the nine members were somewhat familiar with the operation of television.⁷⁴

In spite of being harmonized with the European standards, laws in Montenegro fail to introduce and regulate a proper and functional funding model for PSB. A substantial problem, as perceived by a representative of a commercial broadcaster, is that the Law itself does not look for models and solutions within the Montenegrin context, considering that the Law on Electronic Media as disputable because it is a rewritten German law. As such, the Law follows market rules and principles specific to Germany, not to Montenegro. The market in a country with 625,000 inhabitants cannot be compared with the market of one of the leading forces in Europe. As an editor of a commercial broadcaster said, “I suppose that those who wrote the Law had no particular knowledge, no knowledge of consequence, and then they resorted to a practical solution. In addition, they

⁷² Radio Broadcasting Center.

⁷³ Ministry of Culture, *Izveštaj sa javne rasprave o nacrtu Zakona o izmjenama i dopunama Zakona o elektronskim medijima* [Report on the Public Hearing on the Draft Law Amending the Law on Electronic Media], p. 25, 35.

⁷⁴ Editor of one commercial broadcaster, MNE 03, interview with the author in May 2015. (the interviewee requested to remain anonymous)

also have responsibilities towards Brussels, which represents the Holy Bible, and they concluded that it would be fine to rewrite the law from Germany⁷⁵.

The Law on Public Broadcasting Services of Montenegro⁷⁶ and the Law on Electronic Media⁷⁷ regulate the work of the public broadcaster, *RTCG* in terms of program content, as well as management methods. The Law on Public Broadcasting Services of Montenegro defines public broadcasting centres, activities, responsibilities and accountability, funding, management bodies, as well as the *RTCG* statute. Article 73 and 75 of the Law on Electronic Media⁷⁸ regulate the establishment and coverage of public broadcasters. The national broadcaster is required to provide quality programming for at least 85 percent of the citizens of Montenegro, and a regional broadcaster is obliged to provide a quality program for at least 80 percent of the population in the territory where the program is broadcasted. Local broadcasters have the same obligation to at least 85 percent of citizens in the area of the local government to which the program is broadcast. According to Article 75, public broadcasters are established under the law for the entire territory of Montenegro (national broadcaster), the union of two or more local governments (regional public broadcaster) and based on the decision of the assembly of local government (local public broadcaster).

The Law on Public Broadcasting Services of Montenegro laid down the program content of the public service that should meet the needs of citizens. Article 9 of the Law states that *RTCG* must produce and broadcast program content that socially integrates individuals, groups and communities; provides informational, cultural, educational, scientific, sports and entertainment programs; provides open and free expression of different opinions and views on matters of public interest; broadcasts programs geared towards children and young people, members of minority populations, persons with disabilities, socially disadvantaged and other specific groups; nurtures Montenegrin cultural identity and the cultural and ethnic identity of minority populations, encourages Montenegrin cultural heritage, reflecting the different religious beliefs in the society; respects democratic norms and human rights; promotes the values of civil society; reports in accordance with professional standards events in the country and the world; informs the public about problems of life in different strata of society; promotes the importance of Montenegrin ecology; provides information on issues relating to human health, property, cultural resources and the environment; ensures the production of Montenegrin cinematographic and audiovisual works; and, during election campaigns, allows equal representation of political parties. Article 74 of

⁷⁵ Ibid. (the interviewee requested to remain anonymous)

⁷⁶ “Zakon o javnim radio-difuznim servisima Crne Gore” [Law on Public Broadcasting Services of Montenegro], *Official Gazette of Montenegro* 79/08.

⁷⁷ “Zakon o elektronskim medijima” [Law on Electronic Media], *Official Gazette of Montenegro* 46/10.

⁷⁸ The Law on Electronic Media was adopted in 2010 and amended in 2011.

the Law on Electronic Media laid down the same obligations for the public service in relation to program content.

In addition to the aforementioned laws, the public service broadcaster's function is defined by the Programming Principles and Professional Standards of Public Broadcasters Radio of Montenegro and Television of Montenegro. According to this document, the public service broadcaster is obliged to report on issues of public interest in the social, political, cultural and sports arenas in accordance with professional standards of reporting, i.e. accurately and objectively. The document explains the obligations of the public service broadcaster towards the citizens, the objectives, and the method of reporting on the Parliament, political parties and election campaigns. The Programming Principles set forth that the public service broadcaster's program must include all strata of society (women, children, persons with disabilities, sexual minorities, the elderly, ethnic minorities). Journalists of the public service broadcaster must respect the perceptions of the audience during the broadcast of disturbing content or sex scenes, and they must take due care of the method of information processing, information gathering, etc.

When it comes to practical operation, public service in Montenegro fails to comply with the basic principles such as universality, diversity, quality and independence in practice. In December 2014, Parliament's Committee on Stabilisation and Association of Montenegro and the EU adopted a Declaration that, inter alia, expressed "concern over the decline of professionalism and objectivity of the public broadcaster and other media."⁷⁹ The Programming Principles cite that the public service broadcaster is independent although it was established by the State. "The editorial teams and journalists shall cooperate with the state authorities on an equal basis and shall not accept or execute their orders ... Editors and journalists should keep a professional distance from all instruments of government, otherwise they may compromise the integrity of RTV CG."⁸⁰ Article 13 of the Law on Public Broadcasting Services of Montenegro guarantees RTCG program independence in determining the program schedule, the concept of production and broadcasting, and editing and broadcasting information on current events and organized activities.

Among the latests examples of serious violations of professional standards by RTCG was that made during the reporting on protests organized by the opposition against the government.⁸¹ After the reporting of the public service broadcaster

⁷⁹ K. B. "Deklaracija POSP: Zabrinuti zbog Informera, dodatni napori u poglavljima 23 i 24" [Declaration of the Parliamentary Committee on Stabilisation and Association (PCSA): Concerned about Informer, Additional Efforts in Chapters 23 and 24], *Portal Analitika*, December 2, 2014.

⁸⁰ Radio and Television of Montenegro, Programski principi i profesionalni standardi javnih radio-difuznih servisa Radio Crne Gore i Televizija Crne Gore [Programming Principles and Professional Standards of Public Broadcasting Services Radio of Montenegro and Television of Montenegro] (Podgorica: Radio and Television of Montenegro, 2015), p. 10.

⁸¹ Protests were organized by the opposition coalition Democratic Front on 15 November 2015.

on the protests, a meeting of the *RTCG* Council was urgently convened, where the conclusion was passed that “the news program was not sufficiently balanced and fair and that any deviation from journalistic ethics must be sanctioned.”⁸² The Council noted that *TVCG* did not report objectively on the protests. The Director General was advised to improve the quality of the news programme through new organizational and staffing solutions. This example speaks of the powerlessness of Montenegrin public broadcasters to defend themselves from political pressures.

Political struggles over the public service broadcasters have become apparent because the opposition is trying to take over the management of public broadcasting. Thus, the representatives of the opposition parties informed the ruling Democratic Party of Socialists (DPS) that they would sign the Agreement on Free and Fair Elections only under certain conditions.⁸³ One of the conditions was to relieve Radojka Rutović, the director of Montenegrin television, of duty. The *TVCG* Director, news editor and head of the news desk handed in their resignations on 15 April, and on 26 April the Agreement on Free and Fair Elections was signed.

4.3. The Financial Aspects of PSB

The media market in Montenegro is among the smallest in the region, taking into account the money flow and the audience reach. Nevertheless, it has a large number of media operating within it. In such circumstances the media companies cannot sustain themselves with advertising. An aggravating circumstance and additional pressure is the fact that the state authorities are, exclusively, advertised in pro-state (or pro-regime) media.⁸⁴ This fact has been continuously emphasized by the NGO Centre for Civic Education, which conducts research through the project “Equal chances for all media”.⁸⁵ On the one hand, in this way the state makes it difficult for the opposition media to survive, but on the other, it financially supports private media in certain situations.⁸⁶

⁸² Ivan Čadenović, “Navijač” ubuduće mora biti kažnjen” [“Supporter” Must Be Sanctioned in Future], *Vijesti* XIX, no. 6341 (2015), p. 8.

⁸³ Parliamentary elections in Montenegro will be held in October, 2016.

⁸⁴ Radio and Television of Montenegro, “Prikrivena cenzura urušava slobodu medija” [Covert Censorship Undermines Media Freedom], *RTCG*, November 24, 2015.

⁸⁵ Centre for Civic Education, Embassy of the Federal Republic of Germany, *Equal Chances for All Media in Montenegro?*, p. 8.

⁸⁶ Through the *Programme of state aid to broadcasters/electronic media (2011-2013)* the Government assumed the commercial broadcasters’ debt of 4,447,639.61 euros to the Agency for Electronic Communications and the Broadcasting Centre. In addition, it aided commercial print media in the amount of 880,802.32 euros.

Montenegro's public service broadcaster uses various sources of financing prescribed by the Law on Electronic Media and the Law on Public Broadcasting Services of Montenegro.⁸⁷ Article 76 of the Law on Electronic Media foresees public broadcasters will be funded through the general revenues of the Budget of Montenegro. Article 16 of the Law on Public Broadcasting Services of Montenegro obliges the state to allocate 1.2 per cent of the annual budget of Montenegro to enable PSB to be operative. These funds are not sufficient for the sustainability of the public service (see Table 4 presenting income of the PSB in Montenegro). In October 2014 the Ministry of Culture launched a public consultation to amend the Law on Public Broadcasting Services of Montenegro, which resulted in the following proposal for Article 16 paragraph 1, which would read "Funds shall be allocated from the Budget of Montenegro for the realization of the basic activities of RTCG at the annual level of 0.3 percent of GDP (Gross Domestic Product), the estimate of which shall be determined by the Government through adoption of macroeconomic and fiscal policy guidelines."⁸⁸ This amendment has not yet been adopted in the Parliament. The opposition party blocked the process of amendment claiming that they were not satisfied with the work of the PSB. In December 2015 the opposition party, the Democratic Front, organised a protest march where the party leaders held speeches in front of the RTCG building, criticising the public broadcasting policy.

Table 4. Income of the PSB in Montenegro (in euros)

Year	Budget of Montenegro	Budget via the Ministry of Culture	Marketing	Other income ⁹⁰	Revenues from equipment donations
2012	7,152,428	200,000	1,516,847	467,420	189,153
2013	7,198,449	200,000	1,416,932	466,580	186,368
2014	7,767,440	290,000	1,534,752	837,369	186,020
2015	12,700,000 ⁹¹	150,000	1,141,136	555,051	183,896
2016	14,211,000 ³	/	1,500,000	350,000	180,000

Source: Financial reports of RTCG for 2012, 2013, 2014, 2015 and financial plan for 2016

⁸⁷ According to Article 15 of the Law on Public Broadcasting Services of Montenegro, RTCG is funded "from the general revenues of the Budget of Montenegro, the production and broadcasting of advertisements; production and sale of audiovisual works (shows, movies, series, etc.), from soundtracks and images of the public interest; from sponsorship of programs; organizing concerts and other events; from the Budget of Montenegro; from other sources, in accordance with the law.

⁸⁸ "Zakon o izmjenama i dopunama Zakona o javnim radio-difuznim servisima Crne Gore" [Law Amending the Law on Public Broadcasting Services of Montenegro].

⁸⁹ Other income includes income from technical services, donations, income from damages, and the restaurant.

⁹⁰ 100,000 euros are for the cost of digitalization.

⁹¹ 3,000,000 euros are for the cost of digitalization.

In 2013, the public service broadcaster received from the general budget revenues of Montenegro 7,198,449 euros while the next year there was an increase and the amount up to 7,767,440 euros. Despite an increase of 7.9% compared to the previous year, the director general said these funds were not enough to cover their expenses. According to the annual report of *RTCG* of 2015, the state allocated 12,600,000 euros for operation of the public service broadcaster and 100,000 euros for the process of digitalization.⁹² According to financial plan in 2016 the state will allocate 11,211,000 euros for the operation of *RTCG* and three million euros for digitalisation costs.

Article 76 of the Law on Electronic Media also prescribes funding of public broadcasters from the general revenues of the Budget of Montenegro. These funds aimed to support production and broadcasting programs in the area of culture, science and education, as well as for programmes intended for persons with hearing and visual impairments and programs in the languages of ethnic minorities. In 2011, 1 million euros was allocated to public service programs from the budget of Montenegro through the Ministry of Culture. The following year these funds were reduced to 400,000 euros, and again in 2013, to 200,000 euros. This year, the Ministry of Culture did not allocate funds.

Another way of financing the public service broadcaster is through advertising and marketing activities. Article 92 Law on Electronic Media limits the advertising time on PSB to six minutes per hour of broadcast, or nine minutes of advertisements per hour and teleshopping. According to Article 93, the commercial broadcasters are allowed to advertise for a period of nine minutes per hour, or 12 minutes of advertisements and teleshopping. Advertising certainly makes the operation of the media in Montenegro difficult. As the non-governmental organization CGO warns, such a difficult situation is made even worse, due to government intervention and exclusive support for media who provide a pro-state agenda in reporting, mainly through advertising. This jeopardizes the freedom and pluralism of the media. One more problem pointed out by this non-governmental organisation is that in Montenegro no data can be obtained as to the amount of funds annually allocated for advertising. These data are not even shown on the websites of government institutions, which leaves room for misinterpretation.⁹³

Given the unfavourable situation regarding funding, it does not come as a surprise that *RTCG* has major financial problems. In October 2014, the government took over the *RTCG* debt of 2.4 million euros. In April 2015, the account of the public service broadcaster was blocked because *RTCG* owed 800,000 euros to the

⁹² Miodrag Babović, "Vojvodić: I da sad krenemo sa digitalizacijom ne bi završili prije 2016" [Vojvodić: Even If We Started Digitalization This Moment We Would Not Complete It by 2016], *Vijesti*, November 19, 2014.

⁹³ Centre for Civic Education, Embassy of the Federal Republic of Germany, *Equal Chances for All Media in Montenegro?*, p. 18.

Radio Broadcasting Center.⁹⁴ The Commercial Court ruled in favor of the Radio Broadcasting Center, which seeks to collect receivables in the amount of 152,865 euros.

The method of financing laid down under the Law on Public Broadcasting Services from 2008 and 2012 does not provide the possibility for the public service broadcaster to safeguard its operation against political influence. The dependence on state funding is rather problematic for several reasons. One is potential state influence on editorial and staffing policy. The other is the unpredictability of funding, do to the frequent changes of the state budget that negatively influence the availability of funds for *RTCG*.⁹⁵

Initial legislation from 2002⁹⁶, established the license fee as the primary source of PSB funding, allowing the public broadcaster to be independent from the state support. Time has shown that in the period from 2004 to 2007 the public service broadcaster had a higher level of freedom when it was financed through the license fee. The Law of 2002 imposed an obligation on every household and legal person that owns a radio to pay a broadcasting subscription. The Broadcasting Agency Council issued a Decision regarding the amount of the broadcasting fee in the Republic of Montenegro, which amounted to 3.5 euros per month. From 2004 until 2007 the subscription fee was collected through the telecom operator Montenegro Telekom, with a collection rate of 90.6 percent.⁹⁷ Following the Law, 75 percent of the funds from the subscription were allocated to *RTCG*, 5 percent to the Broadcasting Agency (ARD), 10 percent to municipal public service broadcasters and 10 percent to commercial public service broadcasters.⁹⁸

⁹⁴ The Broadcasting Centre was established as part of *RTCG* under the name “Broadcasting Technology and Communications”. However, as of 1995 it became part of the Public Enterprise for Postal, Telegraph and Telephone Services of Montenegro (JP PTT Montenegro), and in 2005 the Broadcasting Centre became an independent company.

⁹⁵ Former Vice-President of the EBU Boris Bergant explained that the funding of the public service broadcaster on the basis of the budget is not a good solution. “By then it was a crisis, and everyone knew that budgets will be changed several times a year and amended because there is no income. Therefore out of the calculated twelve million euros they should have received on this basis, they received only seven million euros” (interview with the author in April 20, 2015).

⁹⁶ Zakon o javnim radio-difuznim servisima “Radio Crne Gore” i “Televizija Crne Gore” [The Law on Public Service Broadcasting Media “Radio Montenegro” and “Television of Montenegro”] *Official Gazette of Montenegro* 51/02.

⁹⁷ Member of the working group in 2002, MNE 01, interview with the author in March 2015. (person claimed to remain anonymous).

⁹⁸ Tadić Mijović, “Transformation of *RTCG* into Public Service Broadcaster”, p. 54.

Table 5. The number of subscribers

Year	Amount per month (in euros)	Number of subscribers / Collection rate	Incomes from license fee (in million euros)
2004	3.5	176,630	5.5.
2005	3.5	166,840	7
2006	3.5	162,762	6.9
2007	3.5	163,936	5.3

After the Telekom Company was privatised, the public broadcasting service had to find a new way to collect subscription fees. One of the options considered was to collect the public service subscription through the citizens' electricity bills. The new billing model was not in the interest of the public service broadcaster as only 85,000 citizens regularly pay their electricity bills, which is 50% less than those who regularly pay their phone bills.⁹⁹ The Agency for Electronic Media collected broadcasting subscription fees for several months, but the public service broadcaster was not pleased with the revenues from subscriptions, and proposed to abolish them.

Many experts warned that the legislation of 2008 guaranteed no financial stability of the public service broadcaster. Article 9 of the Law on Public Broadcasting Services Radio of Montenegro and Television of Montenegro of 2002 stipulated the financing of the public service from the radio broadcasting fee, part of the fee for radio receivers, advertising, sales of own production, sponsorship of programs, organizing concerts and other events, the budget and other sources. Subsequent amendments to the Law on Public Broadcasting Services of Montenegro, in 2008, set the public service broadcaster back because both the broadcasting subscription fee and the broadcasting fee were abolished. This meant that the public service broadcaster was funded from and depended on the budget of Montenegro. Until 2008, the partial economic independence of the public service broadcaster of Montenegro could be talked about, given that the *RTCG* used to have an annual income of about four million euros from the broadcasting subscription fees.

4.4. New Technologies, Digitalization and Convergence of Public Service Broadcasting

Montenegrin media belatedly followed the trends in regard to technical innovation and developments in the domain of program distribution and production. Experts, and the media themselves, have warned that a significant number of media will not survive the process of digitalization. The reason for such a pessimistic attitude lies in the fact that the majority of Montenegrin media cannot afford to buy the modern equipment and technology needed to produce digitized content.

⁹⁹ Ibid, p. 55.

The digitalization process has divided the main stakeholders in Montenegro. On the one hand, representatives of the commercial media in Montenegro believed that this process was not necessary because of the era of cable television. The editor of a commercial broadcaster considered it unnecessary to invest large amounts of money to build a digital terrestrial network for transmission, in a situation where cable operators cover 85 percent of the country.¹⁰⁰ On the other hand, some experts have pointed out the advantages of digitalization, citing the following arguments. For example, a member of the *RTCG* Council believes that the digitalization process will bring positive changes in the media market, and that there will be a reduction of the number of media on market, which is good since Montenegro is among the countries with the largest number of media per capita.¹⁰¹ The benefits of digitalization were also highlighted by the Director of the Agency for Electronic Communications and Postal Services of Montenegro, Zoran Sekulić. He believes that the digitalization process will bring benefits for both the citizens and the State. Citizens will get a better picture and new features, and the State will gain profits. “Digitalization increases the frequency spectrum used by operators for their services in the field of electronic communications, especially in mobile telephony.”¹⁰² This means that the freed frequencies will be charged to operators of electronic communications, which would bring 50 million euros to the State.

Montenegro officially switched from an analog to a digital signal on 17 June 2015. However, many media had financial difficulties during the transition to a digital signal. This was particularly the case with local media. The director of the local TV *Pljevlja*¹⁰³ expressed his dissatisfaction that the RDC did not take into account the digitalization of the media that do not have national coverage. He said that he had warned the RDC on several occasions that it was necessary to help his media in order to broadcast a digital signal in the territory of the Pljevlja Municipality. However, their requests remained unanswered.¹⁰⁴ For that reason local public service broadcasters decided to broadcast via cable television.

Montenegro initiated the preparations to switch to a digital signal as early as 2009. Work on the digitalization process began in 2009. Montenegro has received significant assistance in this process from the EU, which funded the project “Support to the digitalization of the Montenegrin broadcaster system - provision

¹⁰⁰ Editor of the commercial broadcaster, MNE 03, interview with the author in May 2015 (interviewee wished to remain anonymous).

¹⁰¹ Member of the *RTCG* Council, MNE 06, interview with the author in June 2015 (interviewee wished to remain anonymous).

¹⁰² CDM, “Sekulić: Digitalizacija može donijeti 50 miliona eura u državni budžet” [Sekulić: Digitalization May Bring EUR 50 Million to the State Budget], *CDM*, June 17, 2015.

¹⁰³ Pljevlja is a small town in the north of Montenegro with 30,786 inhabitants according to the Monstat data for 2011.

¹⁰⁴ Jelena Đurišić Vađon and Marina Ilić, “Lokalne televizije samo preko kabla” [Local Televisions Only Via Cable], *Dnevne novine IV*, no. 1177 (2015), pp. 2, 3.

of equipment”.¹⁰⁵ The project is divided into two phases. The first phase concerns the procurement of most of the equipment while the second phase provides for the purchase of the rest of the equipment, staff training and implementation of communication campaign.

Within the first phase, in December 2009, the EU Delegation announced an international tender for the purchase of equipment for digital broadcasting in accordance with the DVB-T standard. Of the thirteen companies that submitted their applications, none met the technical and administrative requirements of the tender, and the tender was cancelled. According to the EU public procurement rules, the delegation was able to continue negotiations with the companies that met the administrative selection criteria in the previous tender. Four companies were informed that they could submit a new offer. Of the three bids received for the tender, the offer by the company Eurotel Spa was chosen, in the amount of 1.4 million euros.

The budget for the first phase of the project amounted to 1.6 million euros, and the Delegation of the EU approved the purchase of additional equipment. A contract for DVB-T transmitters was signed on 23 May 2011. The contractor Eurotel Spa was required to deliver the equipment to the Broadcasting Centre warehouse and to install it in 5 locations, and RDC would install equipment at 39 locations. During the first phase some important implementation problems were encountered.¹⁰⁶ The Ministry for Information Society and Telecommunications asked the contractor to install equipment at 44 locations, which resulted in new costs. On 10 October 2013, the EU issued a temporary certificate of acceptance. During the interim, test problems such as irregular power supply and unreliable radio waves were detected in certain locations. With the help of the contractor and its experts all problems were resolved. In the second phase, financed by the State, the purchase of equipment and staff education and media campaigns were planned.¹⁰⁷

In order to prepare for the process of digitalization, the state adopted the Law on Digital Broadcasting on July 5, 2011, which specifies the obligations of the state and the media during the transition from analogue to digital. According to Article 10 of this Law funds will be allocated from the Budget of Montenegro for the provision of conditions for digital public service broadcasting. Respectively,

¹⁰⁵ Delegation of the European Union to Montenegro, “Podrška Evropske unije digitalizaciji crnogorskog radio-difuznog sistema” [Support to the Digitalization of the Montenegrin Broadcaster System - Provision of Equipment] <http://www.delme.ec.europa.eu/code/navigate.php?id=2658> (Accessed on December 1, 2015).

¹⁰⁶ Participants in the tender sued the Delegation of the EU because of alleged unprofessional conduct. The European Court of Justice ruled in favour of the European Commission. After performing the factory tests, RDC concluded that the equipment was not in accordance with the technical specifications, so the EU delegation engaged an independent expert, who denied the allegations. Delegation of the European Union to Montenegro, Support to the Digitalization of the Montenegrin Broadcaster System - Provision of Equipment.

¹⁰⁷ Ibid.

the first network to cover the entire territory of Montenegro will be constructed (85 percent of the population) and funds will be provided to cover the increased costs for electricity during the transitional period.¹⁰⁸ According to this Law simultaneous broadcasting of analog and digital television programs should have begun no later than 1 July 2012. The deadline for the transition to a digital signal was June 17, 2015.

The Ministry for Information Society and Technology ensured that citizens were informed about the process of digitization. For the purpose of dissemination of information, the Ministry launched a web page *digi-tv.me* on the website *mid.gov.me*. Citizens had the opportunity to make contact and resolve all issues by telephone or e-mail. The Director General for Electronic Communications, Postal Services and Radio Spectrum, Ratka Strugar, said that the citizens would have to buy a set top box, i.e. a receiver for distribution of digital channels, which cost 25 to 50 euros. This organization made an effort to provide receivers for the socially vulnerable.¹⁰⁹

Since 2012, *RTCG* has been trying to catch up with the modernization process by buying up-to-date equipment. At the round table “Digitalization and Convergence” *RTCG* Director Rade Vojvodić promised that the digitalization process of the public service broadcaster would be completed by the first half of 2016.¹¹⁰ The estimated funds to complete the process were between 12 and 15 million euros. The costs of the process of digitizing the public service broadcaster should be covered by the state since the public service broadcaster has no money.¹¹¹ The system equipment of *RTCG* is more than 30 years old and the parts of often inoperational equipment are no longer produced, which represents an additional problem. In the financial plan for 2013, the general manager of *RTCG* provided a breakdown of necessary investments in technology, despite the fact that he was personally aware that at that moment, it was impossible to purchase such equipment. The said report showed that the public broadcasting service required computer equipment, mobile link equipment, studio equipment, sound equipment, field equipment, satellite signal receiving and sending equipment, special software for blind people, lighting, etc. In the financial plan for the subsequent year, the general manager warned that obsolete equipment was an obstacle to the program broadcasting and would affect the ratings of the public broadcasting service. In 2014, *RTCG* received equipment worth 12.250 euros from the European Commission, as a donation. This equipment was granted for the production of a quiz show, *Getting Ready for Europe*. In 2016, an investment of 80,000 euros was planned for studio equipment.

¹⁰⁸ Zakon o digitalnoj radio-difuziji [Digital Broadcasting Law], *Official Gazette of Montenegro* 34/11.

¹⁰⁹ Ibid.

¹¹⁰ Mališić, “Continuous Growth in the Number of Visits to the *RTCG* Portal.”

¹¹¹ Babović, Vojvodić: Even If We Started Digitalization This Moment We Would Not Complete It by 2016.

The most important investment is in the Central System of all equipment in the building and in the prompters, which are hardly usable.

According to the financial plans prepared since 2012, we can say that instead of being modernised, *RTCG* is mainly struggling with existing technical problems. It is expected that serious investments will be made this year to improve the technical equipment for news production. The process of digitalizing PSB will cost 16 million euros. The actual process of digitalization will be carried out in several phases. The first phase envisages the digitalization of Montenegrin Radio i.e. the digitalization of studio and field equipment for digital sound and audio editing in Radio Montenegro. At the end of 2015, a public procurement procedure was initiated for the selection of the most advantageous bidder in connection with the implementation of the digitalization process of the public broadcasting service production capacities. In 2015 and 2016, the training of reporters for the use of new technologies was envisaged with the aim to improve the programme quality. In 2015, *RTCG* educated journalists with the assistance of DW Academie, and in 2016, seminars, workshops and trainings will be organised in cooperation with the members of international media associations such as EBU, CIRCUM and DW Academie.

Despite all the problems, most of interviewees agreed that *RTCG* has advanced use of new platforms to communicate its contents. Since 2013 the public service broadcaster has a modern web portal where it is possible to follow the content on line and on demand, and journalists are actively using social networks in order to advertise its content and attract the audience. The *RTCG* portal also distributes its news through social networks such as *Facebook* and *Twitter*.

The *RTCG* portal emerged from the need to get closer to the digital generation, which includes 46.4 percent of the audience in the country. The public service broadcaster's portal is ranked as 81st¹¹² in Montenegro according to the website www.alexa.com. The audience can use the portal to get informed about events in the country and the world, and to follow the TV and radio program live. In 2015, through the design of an Iphone application, the public broadcasting service attempted to attract a younger audience. The *RTCG* portal plans to improve cooperation with its media and will also offer new multimedia content.

4.5. Socio-cultural and Political Aspects

Political problems are the most salient type of problem PSB is facing. As one of the interviewees believes, political pressures in practice are reflected through the process of appointments and dismissal of *RTCG* Council members, allocating funds to the public service broadcasting from the budget, determining the normative framework for the operation of the public service broadcaster. This is supported in numerous statements and criticism directed at the *RTCG* through

¹¹² The data was taken from the website <http://www.alexa.com> on 16 February 2016.

other media. The former general manager Branko Vojičić, after being removed from his post, openly spoke about the political pressure on *RTCG*. In an interview for News Portal he admitted that certain political officials were interfering with the editorial policy of *RTCG*, but believes it had nothing to do with his removal from the post. In February 2015, the President of the Parliament, Ranko Krivokapić, said that the PSB serves a single party in this country.¹¹³

Formally, independence of the public broadcasting service is guaranteed in Law and through the Council as the main managing body. The Law on broadcasting services of Montenegro defines the rights and competence of the Council members. The Council adopts the Statute, appoints and removes the general manager of *RTCG*, adopts programme documents, general regulations, financial statements, etc. Within the Council, it is a Commission that considers petitions and complaints of viewers and listeners. Citizens can address the Council, which appoints three of its members to consider citizens' complaints about *RTCG* program content.

Political pressures are also exercised through the process of appointments of the General Director and members of the *RTCG* Council. Article 16 of the Law on Public Service Broadcasting Media Radio Montenegro and Television of Montenegro¹¹⁴ prescribes that the Parliament shall confirm the appointment of members of the *RTCG* Council¹¹⁵. This article has been often criticized by oppositional parties, who are in a minority in the Parliament. In 2007, the work of the Council was blocked because the Parliament did not want to confirm the appointment of five Council members. From December 2007 to April 2008, the Council could not adopt any decision because the mandate of five (out of 11) members had expired.¹¹⁶ In April 2008, after the appeal of the OSCE and the European Commission the mandate of one member was confirmed, while the mandates of four representatives of the non-governmental sector were not confirmed. The new Law on Public Broadcasting Services of Montenegro kept the same practice. Its Article 27 stipulates that the Council shall be appointed and dismissed by the Parliament. The best example of the connection between the government and the public service broadcaster can be seen through the appointment of the former director of *RTCG* as the ambassador in Kosovo.¹¹⁷ Thus, in 2013, the former general manager of the public broadcasting service, Radovan Miljanić, took the office of *chargé d'affaires* of the Montenegrin embassy in

¹¹³ *Vijesti*, "Krivokapić da podrži predlog NVO za izmjene Zakona o javnim servisima" [Krivokapić to Support the Proposal of NGO to Amend the Law on Public Broadcasting Services], *Vijesti*, February 17, 2015.

¹¹⁴ The Law was adopted in 2002.

¹¹⁵ The first Council was formed in January 2003, as a guarantee of independence of the public service broadcaster, and the composition of the Council was confirmed by the Parliament in December 2012.

¹¹⁶ Tadić Mijović, "Transformation of *RTCG* into Public Service Broadcaster", p. 39.

¹¹⁷ Member of the working group in 2002, MNE 01, interview with the author in 2015.

Kosovo, while the former director of TVCG, Goran Rakočević, was the ambassador of Montenegro to Croatia in the period from 2009 to 2011.

Most of the changes in the public service broadcaster are merely formal. The public service broadcaster is trying to become a media in the service of the citizens, but does not adhere to the basic principles of such a medium. In the domain of programming, the PSB is primarily obliged to produce programs intended for all sections of society. According to the program production plan for the year 2015 most of the TV programs (50%) are for news, followed by movies and series (27%), sports (12%), entertainment and commercial (3%), program for minorities (2%), and science and education (1%).¹¹⁸ As we can see from the program schedule the public service broadcaster has a variety of programs that do not fully meet the principles of a public service broadcaster. Representatives of minority communities are dissatisfied with their representation in the public service broadcasting; there are few educational programs, while a large amount of the program schedule is given to entertainment and sports programs.¹¹⁹

RTCG also has been criticized for broadcasting content inappropriate for public television. As Goran Đurović, a member of its Council, believes, commercial and popular programmes (such as *Women from Dedinje*, *Suleiman the Magnificent*, *My Kitchen*), have nothing to do with the goals of the public service broadcaster and do not increase citizens' trust in RTCG. "If it is not possible to improve the informative programming and make it objective because of political influence, citizens' money is used to purchase problematic content. If the RTCG's goal is to increase the number of viewers at any cost, then it is best to invest in *Farm* or similar ventures."¹²⁰ Various types of reality shows with inappropriate participant behaviour is not appropriate content to be broadcast on a public service; these actually represent a shift towards the commercial broadcaster market and an effort to raise the ratings of the public service. Some opposition media such as *Monitor* expressed dissatisfaction that the public service broadcaster destroys commercial television stations since it broadcasts costly serials and exclusive sports programs (such as the water polo World Cup in Spain, the tennis tournament at Wimbledon, the Winter Olympic Games in Sochi, etc.) Other interviewees said the public service broadcaster is commercialized to a worrying extent, and that such content takes precedence over what should be the primary task of the public service broadcaster.¹²¹

¹¹⁸ Radio and Television of Montenegro, Programsko produkcion plan Televizije Crne Gore za 2015. godinu [Programming and Production Plan of the Television of Montenegro for 2015], (Podgorica: Radio and Television of Montenegro, 2015), p. 4.

¹¹⁹ Natasa Ružić, "National Minority Media in a Struggle for Survival on the Market", in *Information in Minority Languages in the Western Balkans: Freedom, Access, Marginalization*, ed. Davor Marko (Sarajevo: Media Plan Institute, 2013), pp. 161-185.

¹²⁰ Milena Korać Perović, "Komercijalizacija i privatizacija RTCG: Naše, a njihovo" [Commercialisation and Privatisation of RTCG: Ours, but Theirs], *Monitor*, May 2, 2014.

¹²¹ Member of the Council of RTCG, MNE 07, interview with the author in August 2015. (person claimed to remain anonymous).

The financial reports of the PSB show that the Montenegrin public service broadcaster allocates large funds to purchase films and rights to broadcast sports programs. According to the financial report for 2012, the public service broadcaster was planning to spend 500,000 euros for the purchase of sports programs (European Football Championship, the Champions League and the second phase of the Champions League), 300,000 euros for its film program and 50,000 euros for the Eurovision Song Contest.¹²² In 2013 *RTCG* spent 600,000 euros on the cost of signed agreements for the broadcasting of the Champions League, the European League, and the Olympics in Sochi and Rio. The financial report for 2013 states that: “reducing the costs of broadcasting sports events and purchasing TV rights to broadcast popular series and movies would significantly affect the TV rating trends of *RTCG*.”¹²³ This only confirms that the PSB popularity is a result of these types of programme, and not because of the quality of the program in its own production. The amount for 2015 was even bigger, and the PSB spent 700,000 euros on the costs of broadcasting sports programs.¹²⁴

Political pluralism is not represented through the program of PSB. The representative of one international organization clarifies that the public service broadcaster perceives political pluralism erroneously. The major criticism is that the news program of the public service broadcaster is engaged in propaganda and advertising of the interests of the ruling structures.¹²⁵ In spite of that, as CEDEM research from 2012 demonstrated, citizens trust *TV Vijesti* (TV News) the most, and the second most trusted¹²⁶ position is held by a public service broadcaster. As much as 51.7 percent of the respondents generally trusted the information given by the first channel *TV Montenegro*, while 11.9 percent did not trust the information provided by the first *TVCG* channel (Table 5).

Table 5. Trust in public service broadcaster

	Believe almost nothing	Mainly do not believe	Mostly believe	Believe very much
<i>TV CG I</i>	11.9	23.6	51.7	12.8
<i>TV CG II</i>	13.0	32.8	43.2	11.0

Source: CEDEM (2012)

¹²² Radio and Television of Montenegro, *Finansijski plan RTCG za 2012. godinu* [Financial Plan RTCG for 2012] (Podgorica: Radio and Television of Montenegro, 2012), p. 15.

¹²³ Radio and Television of Montenegro, *Finansijski plan RTCG za 2013. godinu* [Financial Plan RTCG for 2013] (Podgorica: Radio and Television of Montenegro, 2013), p. 7.

¹²⁴ Radio and Television of Montenegro, *Finansijski plan RTCG za 2015. godinu* [Financial Plan RTCG for 2015] (Podgorica: Radio and Television of Montenegro, 2015), p. 11.

¹²⁵ Member of the working group in 2002, MNE 04, interview with the author in May 2015. (person claimed to remain anonymous).

¹²⁶ Trust position means trust of the citizens in the information provided by a certain media company.

5.

Discussion

Struggling for its independence, in the period after 2000, Montenegro was committed to undertake substantial democratic reforms, including the transformation of their public service broadcaster. Adapting media laws, in line with European principles, was the first and necessary step towards reform. There is no doubt that the legal provisions adopted in 2002 were close to the best European legal practice, but at the same time it was obvious that the Government did not want to give up control over the public service broadcaster. As a consequence, PSB related laws were constantly violated by the government, the Parliament, and by other power holders. Also, in spite of the fact that the Law stipulates the participation of civil sector representatives in the work of the *RTCG* Council, the Parliament did not ensure that the appointment procedure was complied with in line with this provision.

Permanent changes to the initially adopted legislation affected the status and operation of the public broadcaster in Montenegro. Certain legislative changes, such as those in 2012¹²⁷ and 2014, regressed the work of the public service broadcaster, also causing it financial difficulties, and at one point even the freezing of the bank account of *RTCG*.¹²⁸ Amendments from 2014 were primarily concerned with its financial independence, and are in direct correlation with Recommendation CM/REC (2012), requiring Member States to ensure the independence of public service broadcaster in order to ensure the independence of editorial policy. Due to the lack of financial resources, which seriously affected the PSB's independence in Montenegro and its editorial policy, Montenegro has found itself in a vicious circle in spite of its efforts to formally comply with some EU standards.

Following the abovementioned problems the central issue in 2014 and 2015 public debates boils down to ensuring the independence of the public service, which should be reflected in the editorial policy. Analysis shows that the current legislation does not provide sufficient ground for the PSB's independent and autonomous work. The public service broadcaster is often criticized for its editorial policy, and for that reason it is called a "party broadcaster" by the

¹²⁷ Amendments to the Law on Public Service Broadcasting of Montenegro adopted in 2012, according to which the public service broadcaster has to bear the costs of the transmission and broadcasting of programs through terrestrial radio transmitters in the amount of 900,000 euros.

¹²⁸ Broadcasting Centre has instituted a legal dispute against *RTCG*.

public.¹²⁹ Despite the public opinion polls showing that the public service broadcaster occupies a stable second position regarding the degree of trust, the manner of reporting on topics of public interest testifies that *RTCG* is not reporting for the sake of the citizens' interest but rather reflects the attitude of the ruling party in this country. During the last public consultations, organized in 2014 and 2015 for comments on the legal solutions, most of the public were unaware of this process due to the lack of transparency. Comments and contributions from media professionals and experts highlighting the local trends and context were also mostly neglected, while decision makers almost blindly followed the principles and recommendations from the international community, which also demonstrates the tendency of local actors to uncritically accept external solutions and models and not take into account the local context and the specific circumstances in which these solutions must function.

When it comes to funding, evidence shows that the licensee fee proved to be the most suitable model of financing. However, in Montenegro, the abovementioned model has been changed, and the consequences have not been positive for the PSB. Since 2008, a solution to re-introduce this model has not been found. Analysis showed that the PSB in Montenegro achieved the highest degree of independence in the period from 2004 to 2007, when the public service was funded through the license fee. Recent discussions and proposals to fill the gap and establish stable funding solutions for the PSB in Montenegro indicate some disagreements among the main stakeholders in the country. The main proposal, in accordance with the recommendations of international organizations¹³⁰ included the amendment to the Law on PSB in which the amount of funds allocated to the broadcaster would no longer be 1.2 percent of the Budget, but 0.3 percent of GDP, namely 10.4 million euros annually, which should be enough for its operation.¹³¹ The political opposition did not welcome this solution considering the fact that the PSB is not serving the citizens but the ruling political party. On the other hand, in a country with 17.25% unemployment and the public debt reaching 58.8%,¹³² some considered GDP as an inappropriate indicator for allocating financial resources to sustain PSB independence.

Taking into account the analyzed trends and ongoing debates in Montenegro, it could be concluded that the PSB transformation has undergone an 'imitative transformation'. The public service broadcaster was established in Montenegro due to specific political circumstances in which the government primarily looked

¹²⁹ *Vijesti*, "Krivokapić: Sa DPS-om smo samo zbog NATO" [Krivokapić: We Are with DPS Only for NATO], *Vijesti*, February 12, 2015.

¹³⁰ Mainly, of the Parliamentary Assembly of the Council of Europe and the UNESCO.

¹³¹ According to the estimates of the European Broadcasting Union, *RTCG* can survive with 13 million euros annually, and the amendments to the Law guarantee a stable income of 10.4 million euros.

¹³² This data is taken from the website of the Ministry of Finance, but certain media claim that the debt reached 69% GDP.

after their own interests, and therefore *RTCG* has never been transformed from a state media into a public service broadcaster. Although political pressures on some media are difficult to prove, they are visible through the news program of the Montenegrin public service broadcaster, the positions to which the former managing directors of *RTCG* are appointed and by the adoption of legislation that does not contribute to the development of PSB.

The public service broadcaster is trying to hold onto the market, but is not able to resist political pressures, address the issue of economic pressures, bring in quality staff and raise the level of professionalism. Some of these problems do not depend on *RTCG*, but on the State. For example, the State supported the *RTCG* in the digitalization process by allocating additional funds for the modernization of the Montenegrin public service broadcaster. The State should also show good will and desire for a real transformation of the Montenegrin public service broadcaster through the adoption of legislation that would guarantee financial independence. It is interesting that in the past two years, opposition parties have hindered the development of the Montenegrin public service broadcaster by blocking the adoption of amendments to the Law on Public Broadcasting Services of Montenegro relating to the financing of *RTCG*, indicating a clearly ongoing political struggle to take control of the public service broadcaster. Under such circumstances, can we expect that the citizens of Montenegro will get the public broadcaster to represent their interests? The answer is obvious.

The public service broadcaster of Montenegro with difficulty can regain the trust of the audience, and therefore they try to increase their ratings by the acquisition of rights to broadcast exclusive sports programs and the most popular series. Representatives of commercial broadcasters have warned several times about the entry of the public service broadcaster into the commercial field. *RTCG* does not invest sufficient funds in the production of own production, nor in raising the level of professionalism of staff. The situation is further aggravated by the problem of nepotism, which was very much visible in the public service broadcaster when the General Manager of *RTCG*, having announced no public competition, brought 8 journalists from *TV IN*¹³³ to the public service broadcaster, in addition to at least six members of his family.

¹³³ At *TV IN*, Rade Vojvodić spent a decade as Executive Directors, and five years as Editor-in-Chief.

6.

Conclusion

This paper has analyzed the transformation of the public service broadcaster in Montenegro. Based on the analysis of the legislation, existing studies, publicly available documents, and interviews with competent interlocutors, the research results indicate that *RTCG* has not experienced substantial transformation into a public service broadcaster. Most of the changes in the public service broadcaster are formal rather than essential. The public service broadcaster is trying to become a medium in the service of citizens, but does not adhere to some of the basic PSB principles such as independence, pluralism, or diversity. Despite the fact that in its internal document, Programme Principles and Professional Standards of Public Broadcasting Services, *RTCG* committed itself to be at the service of the citizens and to observe professional standards, the public broadcasting service has succumbed to political pressures.

The most significant problems that prevent the process of transformation are political pressures and an unsustainable funding model, including financial dependence on political authorities. These two problems are interrelated because financially dependent media cannot be free. Public Service Broadcasting still lacks stable financial income from public funds. The interviewees are unanimous in the opinion that the new laws have in some way downgraded the public service broadcaster because the subscription fee was the best model of funding, although the European countries do not use that model. Political pressures on the public service broadcaster are reflected through the funding and appointment of management bodies, and journalists have only formal independence. The basic principles underlying public service broadcasting are not respected. Public service broadcasting is not perceived as a medium in the service of citizens, but in the service of the state.

It is evident that the ruling party in Montenegro does not wish to relinquish control over the public service. The ruling party exercises its control over the PSB through various procedures. First, it does so through the process of appointment of members of managing bodies, nominating individuals close to the government as Council members. Second, the entire procedure of appointments and dismissals of the Council members happens in the Parliament, which represents a direct interference in the work of the management bodies (for example, in 2007, the Parliament literally blocked the work of the Council over a period of four months, because it did not want to confirm the appointment of five members). Third, the news program shows that the public service broadcaster is still serving the ruling structures, and failure to comply with basic professional standards was

evident especially in reporting on the protests organized by opposition parties. Finally, political pressures are also related to the financing of the public service broadcaster, keeping it dependent on the budgetary fund and under its influence. Since October 2014, the Parliament has not adopted any amendments to the Law on Public Broadcasting Services of Montenegro concerning the financing of the public service broadcaster. This fact represents the best illustration of a particular type of political pressure which is exerted on the public broadcasting service.

The new management is facing numerous problems hampering the work of the public service broadcaster, such as its financial situation, professionalism of the staff and media digitalization. The former Vice-President of the EBU Boris Bergant believes that the most important things for the successful operation of the public service broadcaster are professionalism and a good general manager with managerial skills. He thinks that “there is no magic formula or models for the operation of the Public Service broadcaster. There is good practice, but there is no such solution that is equal for all. Something that succeeds in Switzerland would not necessarily be successful in another country.”¹³⁴

In the course of drafting this study, the researcher was faced with the issue of finding answers to specific questions such as revenues from advertising and explanations on the draft amendments to the laws that were adopted without prior public consultations. In the small Montenegrin market there is no precise information on the annual revenues from advertising. The situation is further aggravated by the fact that public authorities do not indicate information about the advertising costs of the institution on their portals. The most recent amendments to the Law on Public Broadcasting Services of Montenegro, and the Law on electronic media, were accompanied by public discussions. However, during a certain period, laws were adopted in Montenegro without organizing prior public consultations, as pointed out by Boris Bergant, so it is not clear who proposed or suggested certain amendments to the law.

The Public Service Broadcaster will remain a current issue forever because it is the only broadcaster which is accountable to the audience. There is no doubt that the political developments in Montenegro will be reflected on the Montenegrin public service broadcaster and bring new dilemmas to *RTCG*. Therefore, future researchers in future studies will deal with outstanding issues such as ensuring the financial independence of the public service and freedom from political pressures, but also new issues, such as changes in the market under the influence of digitalization.

¹³⁴ Boris Bergant, interview with the author in April 20, 2015.

7.

Recommendations

During the analysis, many problems were indicated that need to be solved in order to transform the *RTCG* into a public service broadcaster:

- Government should create conditions for better implementation of the Law on Public Broadcasting Services of Montenegro. The adoption procedure regarding amendments to the Law takes a long time and, more importantly, attention should be paid to resolving the existing problems through the legal framework. Amendments to the Law on Public Broadcasting Services have not been adopted since October 2014, which represents a particular kind of political pressure. In addition, it is necessary to ensure the enforcement of media laws in practice. Stable funding is the key to an independent editorial policy. It is necessary to make changes to the funding model and find a way to return to the subscription fee model which, according to most interviewees, represents the best solution for funding of the public service broadcaster. The adoption of the amendments to the Law on Public Service Broadcasting of Montenegro will not solve the problem because the public service broadcaster will continue to struggle with financial problems. In the financial report for 2015, the *RTCG* management concludes that the adoption of the amendments to the Law will improve the financial situation in the public service broadcaster, but at the same time they regret that the proposal to allocate 0.34 per cent of GDP for the purpose of *RTCG* was not approved.
- In the adoption of media laws, it is necessary to set up a working group that consists of international and local experts in the field of media law and journalists, in order to avoid involving lay people in such an important process. The Working Group is not formed for observing the procedure but formed so that their proposals are taken into consideration.
- It is necessary to carefully consider which institutions may propose their representatives as members of the Council. The current Law gives the possibility to propose members of the Council mainly among people from institutions that are inclined to the government.
- Consider a new method of selection of members of the Council. The members of the Council should not be appointed by the Parliament, which then has the opportunity to obstruct the work of the administration bodies of the public service broadcaster. To ensure independence of the public broadcasting service it is necessary to increase the number of Council members from the civil sector who would protect the public interest. The existing model for proposals used by

the *RTCG* Council members creates the possibility for the state to control the work of the Council by appointing experts who are close to the ruling groups.

Finally, we may conclude that the most important prerequisite for the successful operation of the public service broadcaster is support from the State. Without support from the State, all amendments to the media laws will remain empty words.

8.

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ANNEX 1 – List of interviews

1. Boris Bergant, former Vice-President of the EBU, interview with the author in April 20, 2015.
2. Editor of the commercial broadcaster (MNE 03), interview with the author in May 2015
3. Member of the working group in 2002 (MNE 01), interview with the author in March 2015
4. Member of the working group in 2002 (MNE 04), interview by e-mail in May 2015
5. Member of the Council *RTCG* (MNE 06), interview with the author in June 2015
6. Member of the Council *RTCG* (MNE 07), interview with the author in August 2015

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