



Montenegro
THE AGENCY FOR ELECTRONIC MEDIA
Ref. no: 02 – 1364
Podgorica, 16 October 2017

BRIEF ON COMPLIANCE WITH LICENCE TERMS
- NON-PROFIT BROADCASTERS -

Legal framework

Article 72 of the Electronic Media Law (EML)¹ stipulates that the status of a non-profit broadcaster is determined by the Council on the occasion of granting the broadcasting licence. Only educational institutions, religious, student and nongovernmental organisations registered at least three years before application are eligible for acquiring the status of a non-profit broadcaster.

A non-profit broadcaster is a broadcaster who transmits daily 50% of in-house production of news, cultural, educational and entertainment programmes, with at least 25% of day production serving the informational, educational, scientific, professional, artistic, cultural and other needs of the public; the provisions referring to programme obligations of public broadcasters apply to non-profit broadcasters.

In programmes of public and non-profit broadcasters, the share of advertising within a given clock hour shall not exceed 10% (six minutes), i.e. advertising and teleshopping shall not exceed 15% (nine minutes).

Article 56 of the Electronic Media Law (EML) stipulates that the programme base of a general radio broadcast is to contain the schedule which determines: type of programme, or their classification into specific groups; envisaged shares of specific programme groups; envisaged maximum share of advertising contents; envisaged share of in-house audiovisual works; transmission time.

Pursuant to Article 100 of the EML, the scope and structure of applicant's programmes is one of the selection criteria on the public competition for allocation of broadcasting frequencies.

Article 58 of the EML sets forth that a broadcaster is obliged to ask for the approval of the Agency for Electronic Media (AEM), in writing, of any significant intended changes in the structure of a radio or television broadcast. A significant change in the programme structure, in terms of this provision, means any change over 10% in the programme structure based on which broadcasting licence was granted. The EML also envisages that AEM may deny a broadcaster the approval for the change of programme structure should it determine that it would lead in the area covered by a certain radio or television broadcast to a lack of a certain type of programmes for which the broadcaster was licensed.

Chapter 2, Programme Structure and Other Programme Obligations, of the Broadcasting Licence envisages that broadcasters are obliged to adhere to the programme schedule or the programmes structure provided for licencing purposes, and inform the AEM in writing of any changes that occurred, and seek approval from the AEM Council for all intended significant changes in programme structure.

Article 59 the EML requires broadcasters to broadcast at least 12 hours of programmes on daily basis, and to assign at least 10% of total weekly air time to news and current affairs from the coverage zone. Moreover, a broadcaster is obliged to broadcast at least 30 minutes of news a day within which it should have at last one block lasting at least 20 minutes.

¹ Official Gazette of Montenegro nos. 046/10, 040/11, 053/11, 006/13, 055/16

Methodological framework

Aiming to check consistency in observing the reported programme structure, the AEM sent a request² to all commercial radio broadcasters asking them to provide the updated versions of the following documents:

1) **the programme base**, by providing the overview requested in the schedule attached to the request. The overview contains the main elements of the programme base in line with Article 56 of the EML, as follows: type of programme, duration and brief description of the programmes, envisaged shares of specific programme groups, the information on the total share of in-house production, purchased or rebroadcast programmes. With a view of more precise identification of the programmes requested, broadcasters are referred to the Rulebook on Terms for Identifying Programmes as In-house Production³.

2) daily, weekly and monthly **programme schemes** for the general radio programme, or if the programme scheme is unified, or planned with unchanging structure, with the monthly scheme being a collection of identical weekly schemes, then a weekly scheme.

Between June and September 2017, based on programme schemes, data were collected referring to the type of programmes, duration and brief description of broadcasts, intended shares of specific groups of programmes, the data on the total share of in-house production, purchased or rebroadcast programmes; the results of the quantitative analysis of the requested data are as presented below.

The data from the programme schemes submitted were compared with the time slots of the actual broadcasts determined through regular monitoring performed by the AEM, done routinely in the course of the year, and the targeted monitoring of non-profit broadcasters conducted between 29 September 2017 and 5 October 2017 reaching the following conclusions.

Baseline data

Pursuant to the licences issued, two radio stations have the status of non-profit broadcasters:

- **NGO Culture Centre Homer** for broadcasting the programmes of **Radio Homer** using the broadcasting frequencies covering the territories of the municipalities of Bar, Nikšić, Podgorica and Tivat.
- the **Muftiate of Islamic Community in Montenegro** for broadcasting the programmes of **Radio Fatih** using the broadcasting frequencies covering the territories of the municipalities of Berane, Bijelo Polje, Gusinje, Petnjica, Plav, Podgorica, Rožaje and Ulcinj.

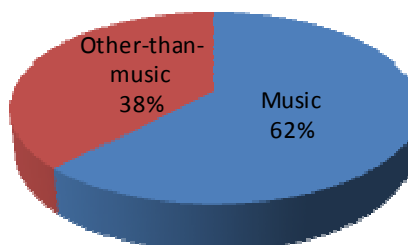
The Muftiate of Islamic Community in Montenegro does not use the broadcasting frequencies for which it holds the broadcasting licence.

Programme structure

Radio Homer broadcasts 24 hours a day, or 10,080 minutes of radio broadcasting per week.

Total weekly broadcasts are composed 62% of music and 38% of different kind of programmes (by category, genre or production source).

The above means that Radio Homer broadcasts 3,822 minutes (around 63 hours) a week, or 546 minutes (some 9 hours) a day of diverse programmes, while the rest of air time is accounted for by music.



Structure of radio programme (weekly percentage)

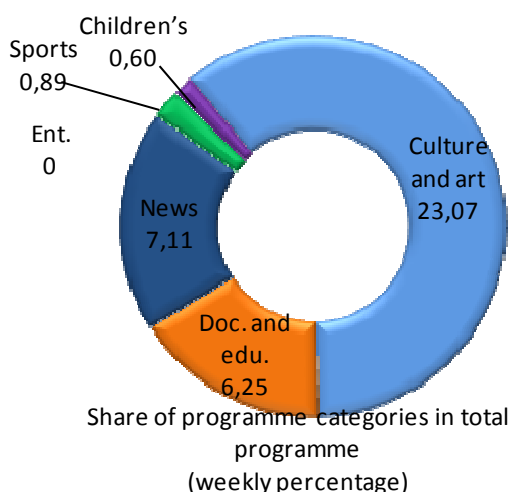
² Ref. no. 02- 953 of 26 June 2017

³ Rulebook on Terms for Identifying Programmes as In-house Production (Official Gazette of Montenegro 011/12)

In-house production is deemed to include information, culture, art, music, sport and other contents, as well as other original programmes, produced by the broadcaster or as per its orders and for its account⁴. In-house production of radio broadcasters means programmes containing at least 20% of original audio material or the copyrighted part.

All programmes that Radio Homer broadcasts (3,822 minutes a week) constitute in-house production (no rebroadcasting or purchased programmes).

By the type of broadcasts, the daily programmes include predominantly culture and art, followed by current affairs, documentary and educational programmes. Sport and children's programmes combined make up less than 2% of the overall programme structure, while there are no entertainment programmes at all.



Current affairs mostly refer to short broadcasts (up to 5 minutes) with the national and world news, separated in terms of their contents and form from other programmes and recognisable as "traditional" news programme. The total share of such programmes is increased when adding the Morning Programme (a collage programme composed of local services and other information and music), Straight from the Scene (field correspondents) and Through Sound to Light (about the life and activities of persons with disabilities).

Radio Homer does not have prime time news programme of stipulated duration (Art 59 of the EML).

Culture and art programmes include broadcasts featuring culture topics, then Radio Novel (novels from the stock of the Library for the Blind) and Radio Drama.

Documentary and educational programmes include foreign language courses and the Selection from Our Magazines. Radio Homer has one children's programme and one sports programme (on para-Olympic sports in Montenegro).

Commercial audio-visual communications

During the regular monitoring performed by the AEM in the course of the year and the targeted monitoring of the radio broadcaster "Radio Homer", conducted between 29 September 2017 and 5 October 2017, no violations of rules related to commercial audio-visual communications were observed.

Monitoring Department
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⁴ Rulebook on Requirements for Programmes Deemed as In-house Production (Official Gazette of Montenegro 011/12)