



Montenegro
THE AGENCY FOR ELECTRONIC MEDIA
Ref. no. 02 – 1455
Podgorica, 06 November 2017

REVIEW OF THE PROGRAMME STRUCTURE OF COMMERCIAL TV BROADCASTERS WITH NATIONAL COVERAGE

Legal framework

Article 56 of the Electronic Media Law (EML)¹ stipulates that the programme base of a general television broadcast is to contain the schedule which determines: type of programmes, 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 AEM's approval, 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.

Section 2, Programme Structure and Other Programme Obligations, of the Broadcasting Licence envisages that broadcasters are obliged to adhere to the programme schedule or the programme structure provided for licencing purposes, and inform the Agency for Electronic Media (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 air on daily basis at least 12 hours of programmes, 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 slot lasting at least 20 minutes.

Under Art 55 of the EML, a broadcaster is obliged to publish audio and visual warning for programmes which may impair physical, health, moral, mental, intellectual, emotional and social development of minors and clearly identify such programmes by the presence of a visual symbol throughout their duration and to broadcast such programmes at the time and in the manner in which it is least likely that minors will normally hear or see it. The Rulebook on Programme Standards in Electronic Media² stipulates the use of graphic marks 12, 16 or 18 for respective programme categories, and the criteria to be taken into account when categorising programmes.

Methodological framework

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

² Official Gazette of Montenegro nos. 035/11, 007/16

Aiming to check consistency in observing the reported programme structure, the AEM sent a request³ to all commercial television 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 Production⁴.

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.

Based on the programme schemes for October 2017, data were collected referring to the type of programmes, their duration and brief description, envisaged shares among different groups of programmes, and the respective shares of in-house production, purchased and rebroadcast programmes.

The above information was compared with the monitoring data for the period 9 and 15 October 2017, reaching the conclusions presented below based on the quantitative analysis done.

Baseline data

Three commercial broadcasters transmit their programmes using the first national multiples (MUX1), in the Free-To-Air mode:

- „Televizija Vijesti" d.o.o., broadcasting the programme of TV Vijesti;
- „AST" d.o.o., broadcasting the programme of Prva TV, and
- „Pink M Company" d.o.o., broadcasting the programme of TV Pink M.

TV Vijesti

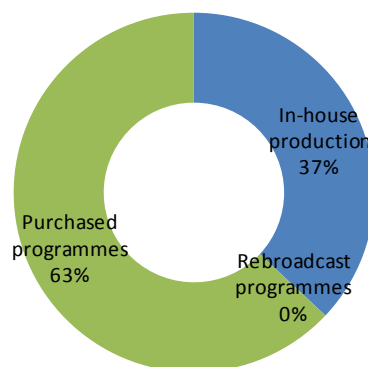
TV Vijesti airs its programmes 24 hours a day, or 10,080 minutes of TV broadcasts a week.

Given the production source, purchased programmes are predominant in the total programmes broadcast (63%).

In-house production is deemed to include news, 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 account.

In-house production makes up 37% of the total programmes broadcast by TV Vijesti. Under the terms of its licence, this broadcaster is obliged to produce at least 24.7% of in-house production.

Over the period observed, the broadcaster had no rebroadcast programmes.



Programme structure by production source

³ Ref. no. 02- 953 of 26 June 2017

⁴ Rulebook on Terms for Identifying Programmes as Own Production (Official Gazette of Montenegro 011/12)

Regardless of the production source, culture and art programmes (live action films and series) are predominant in the overall broadcast programmes with 49%.

This is followed by current affairs programmes with 35 % of the total air time.

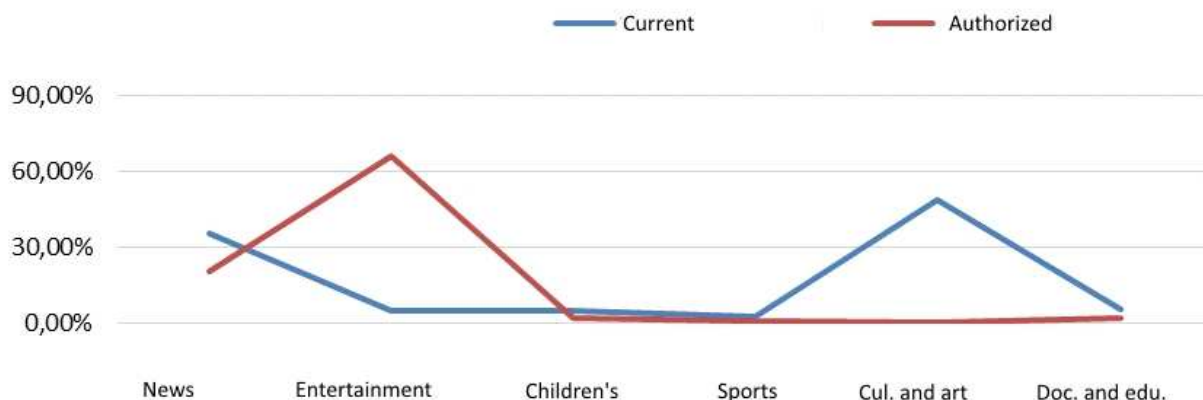
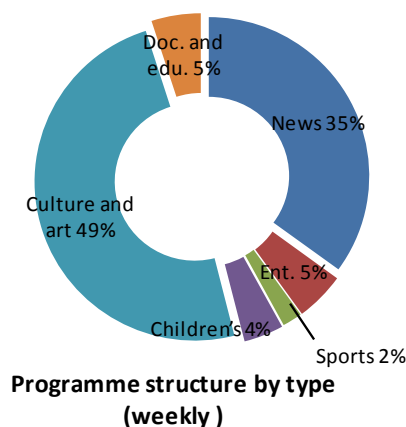
The broadcaster has news programme in excess of the statutory 30 minutes a day, including the prime time news programme of average duration of 35 minutes (the statutory minimum is 20 minutes).

Documentary, educational and entertainment programmes account for 5% each of the total broadcasts.

Children's programmes account for 4% of the total, with sports programmes having lowest weekly shares (2% of the total).

Compared to the terms of its license, TV Vijesti broadcasts less entertainment programmes. The difference goes in favour of culture and art programmes.

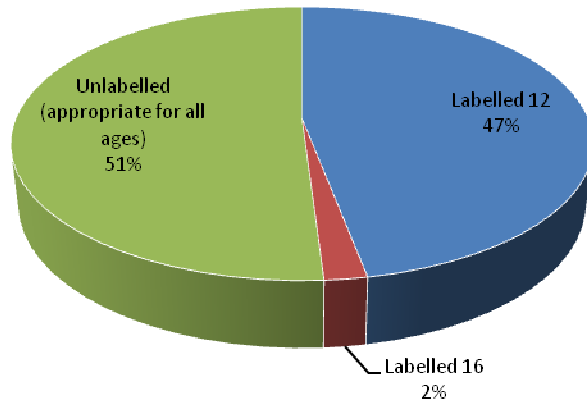
There are more current affairs programmes than reported. There are no significant deviations as regards other types of programmes.



Programme structure by type (current vs authorized)

Given broadcaster's obligation to identify age appropriateness of programmes, i.e. the obligation to publish audio and visual warning for programmes which may impair physical, health, moral, mental, intellectual, emotional and social development of minors, the broadcaster labelled the whole culture and arts programmes (live action films and series), or 49% of the total programmes. Hence, 51% of TV Vijesti's programmes, according to broadcaster's own assessments, is not labelled, i.e. appropriate for all ages.

Out of the total share of programmes, 47% are not appropriate for minors under 12 years of age. Only 2% of programme is not appropriate for persons under the age of 16. TV Vijesti has no programmes labelled 18.



Graph 4: Programme structure by age

Prva TV

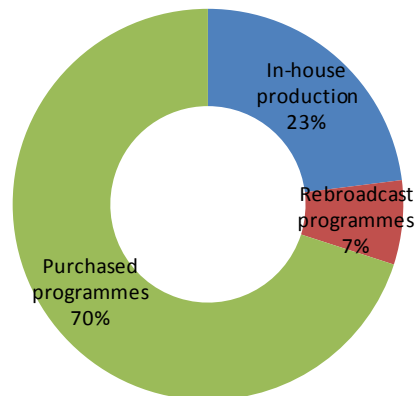
Prva TV airs its programmes 24 hours a day, or 10,080 minutes of TV broadcasts a week.

Given the production source, purchased programmes are predominant in the total programmes broadcast (70%).

In-house production is deemed to include news, 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 account.

In-house production makes up 23% of the total programmes broadcast by Prva TV. Under the terms of its licence, this broadcaster is obliged to produce at least 15% of in-house production.

Over the period observed, the broadcaster had 7% of rebroadcast programmes.



Programme structure by production source (weekly)

Regardless of the production source, culture and art programmes (live action films and series) are predominant in the overall broadcast programmes with close to 56%.

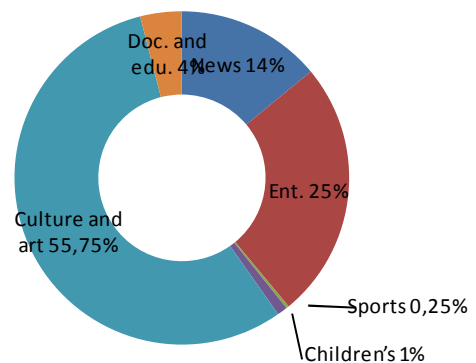
This is followed by entertainment programmes with 25% of the total air time.

Current affairs programme accounts for 14% of the total air time. The broadcaster has news programme in excess of the statutory 30 minutes a day, including the prime time news programme of average duration of 29 minutes (the statutory minimum is 20 minutes).

Documentary and educational programmes account for 4% of the total.

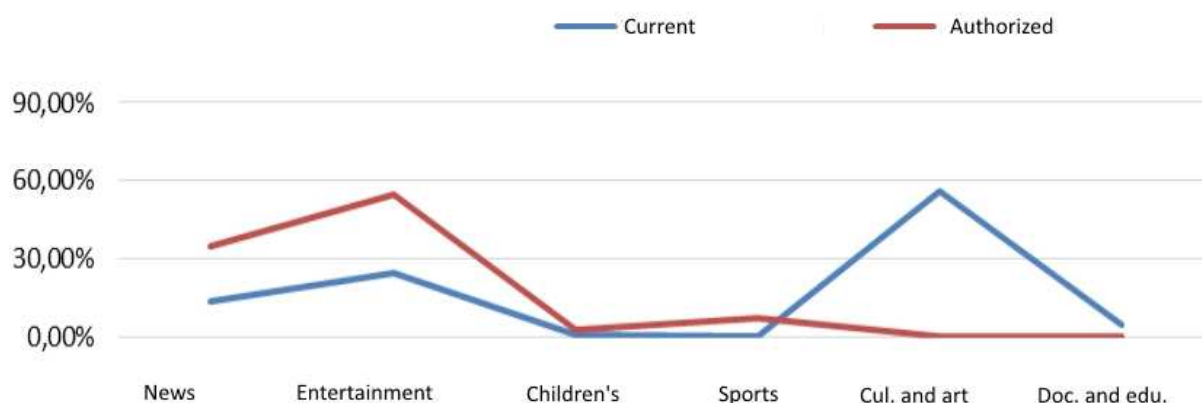
Children's programme accounts for 1% of the total, with sports programmes having lowest weekly shares (0.25% of the total).

Compared to the terms of its license, Prva TV broadcasts less entertainment programmes. The difference goes in favour of culture and art programmes.



Programme structure by type (weekly average)

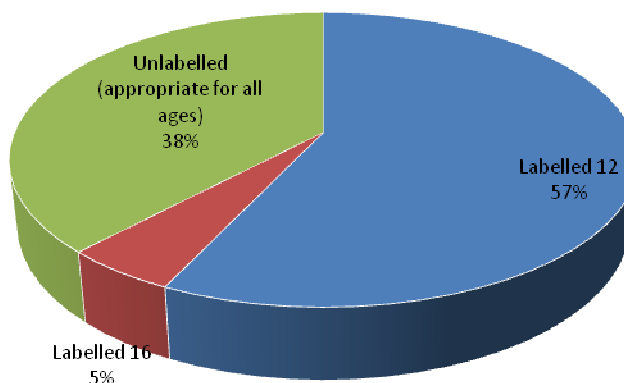
There are less current affairs programmes than reported. There are no significant deviations as regards other types of programmes.



Programme structure by type (current vs authorized)

Given broadcaster’s obligation to identify age appropriateness of programmes, i.e. the obligation to publish audio and visual warning for programmes which may impair physical, health, moral, mental, intellectual, emotional and social development of minors, the broadcaster labelled the whole culture and arts programmes (live action films and series), well as a share of entertainment and documentary and educational programmes, or 62% of the total. Hence, 38% of Prva TV programme, according to broadcaster’s own assessments, is not labelled, i.e. appropriate for all ages.

Out of the total share of programmes, 57% is not appropriate for minors under 12 years of age. Only 5% of programme is not appropriate for persons under the age of 16. Prva TV has no programmes labelled 18.



Graph 8: Programme structure by age

TV Pink M

TV Pink M airs its programmes 24 hours a day, or 10,080 minutes of TV broadcasts a week.

Given the production source, purchased programmes are predominant in the total programmes broadcast (53%).

Over the observed period, the broadcaster had 32% purchased programmes.

In-house production is deemed to include news, 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 account.

In-house production makes up 15% of the total programmes broadcast by TV Pink M. Under the terms of its licence, this broadcaster is obliged to produce at least 12.3% of in-house production.

Regardless of the production source, entertainment programme is predominant in the overall broadcast programmes with 54%.

This is followed by culture and art programmes (live action films and series) with 31% of the total.

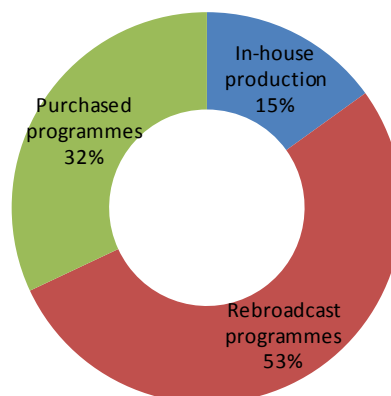
Current affairs programme accounts for 13% of the total air time. The broadcaster has news programme in excess of the statutory 30 minutes a day, including the prime time news programme of average duration of 24 minutes (the statutory minimum is 20 minutes).

Children's and sports programmes account for 1% of the total weekly programmes each.

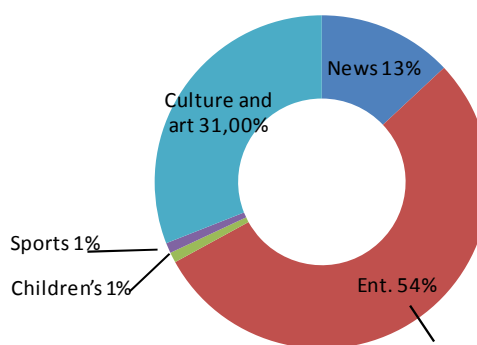
TV Pink M has no documentary or educational programmes.

Compared to the terms of its license, TV Pink M broadcasts less entertainment programmes. The difference goes in favour of culture and art programmes.

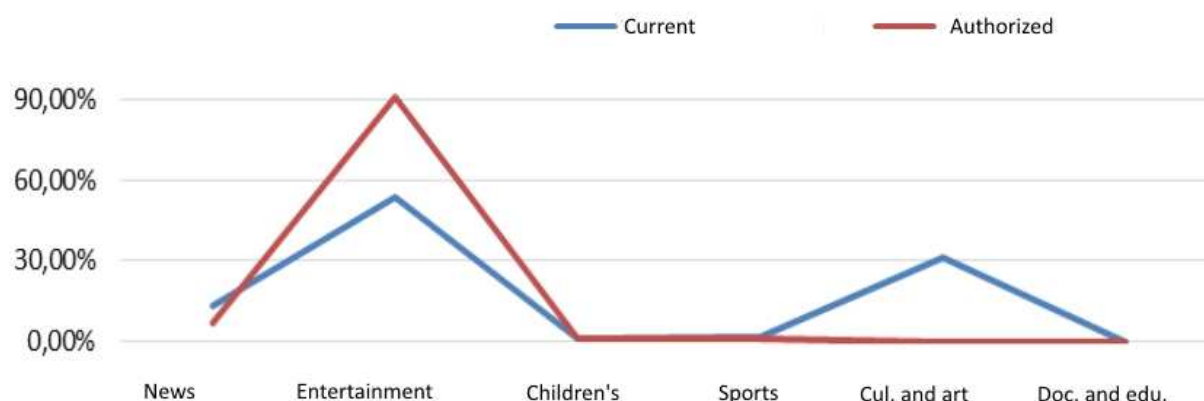
There are no significant deviations as regards other types of programmes.



Programme structure by production source (weekly)



Programme structure by type (weekly)

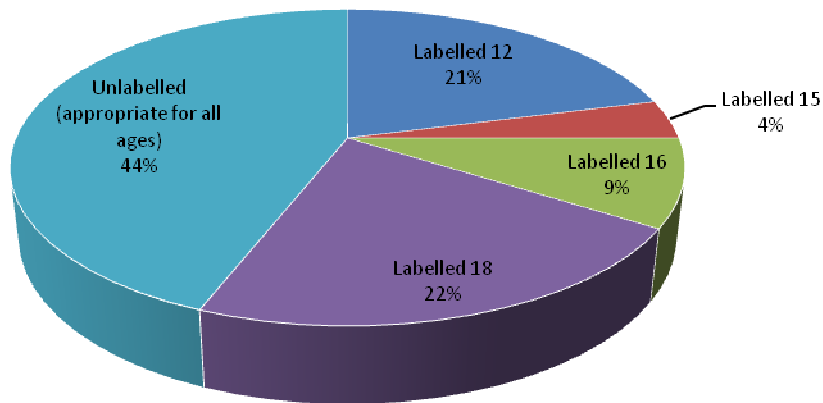


Graph 11: Programme structure by type (current vs authorized)

Given broadcaster's obligation to identify age appropriateness of programmes, i.e. the obligation to publish audio and visual warning for programmes which may impair physical, health, moral, mental, intellectual, emotional and social development of minors, the broadcaster labelled the whole culture and arts

programmes (live action films and series), and a share of entertainment programmes, or 66% of the total. Hence, 44% of TV Pink M programmes, according to broadcaster's own assessments, is not labelled, i.e. appropriate for all ages.

Out of the total share of programmes, 22% is not appropriate for minors (labelled 18). The programme not appropriate for minors under 12 years of age accounts for 21%, and some 9% is not appropriate for minors under the age of 16. Over the period observed, TV Pink M had some 4% of programmes labelled 15, which is not envisaged by the AEM's Rulebook.



Graph 12: Programme structure by age

 **Monitoring Department**
Sunčica Bakić