

**MINISTRY OF CULTURE, SPORTS AND MEDIA  
GOVERNMENT OF MONTENEGRO**

**LAW ON PUBLIC BROADCASTING SERVICES OF  
MONTENEGRO**

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## **I. GENERAL PROVISIONS**

### **Scope of the Law**

#### **Article 1**

Activity of public broadcasting services of Montenegro shall be performed by broadcasters, in compliance with law and international standards and rules in this field.

### **Public broadcasting services of Montenegro**

#### **Article 2**

- (1) Public broadcasting services of Montenegro shall be Radio of Montenegro and Television of Montenegro.
- (2) The activity of public broadcasting services referred to in paragraph 1 of this Article shall be the production and broadcasting of radio and television programmes, which shall meet democratic, social, educational, cultural and other needs of public interest of all segments of Montenegrin society; ensure exercise of the rights and interests of citizens and other subjects in field of informing, regardless to their political, religious, cultural, race or sex affiliations, and to provide, in prompt and qualitative manner, various informative services.

### **Radio and television of Montenegro**

#### **Article 3**

- (1) Public Enterprise "Radio and Television of Montenegro" shall perform the activity of the public broadcasting services of Montenegro.
- (2) The founder of the Public Enterprise "Radio and Television of Montenegro" shall be the State.
- (3) The abbreviation of the Public Enterprise shall be RTCG.
- (4) The seat of RTCG shall be in Podgorica.
- (5) The rights of the founder on behalf of the State shall be exercised by the Council of RTCG in compliance with law.

## **II ACTIVITY OF RTCG**

### **Performing the main activity**

#### **Article 4**

- (1) RTCG shall perform its main activity by producing and broadcasting two programmes of Radio of Montenegro by means of a terrestrial network of FM and AM transmitters at the national level, two television programmes of the Television of Montenegro by means of a terrestrial transmission network at the national level, broadcasting its radio and television programmes by means of satellite, and transmitting and broadcasting the RTCG programme Parliamentary Television by means of radio-frequencies and electronic communications networks.
- (2) The reception of RTCG programmes, within every radio or television network, shall be provided on the territory of Montenegro populated by at least 85% of the citizens.
- (3) RTCG may broadcast Radio of Montenegro and Television of Montenegro programmes via Internet.

### **Other activities**

#### **Article 5**

RTCG may produce and broadcast other radio and television programmes, in compliance with law, or may be involved in other activities, which contribute to more complete use of the enterprise capacities and creation of conditions for providing more efficient public broadcasting services of interest to the citizens.

#### **Main activity change**

#### **Article 6**

Neither the main activity change nor privatisation of RTCG shall be performed without the consent of the Parliament of Montenegro (hereinafter referred to as: the Parliament).

#### **Internal organization**

#### **Article 7**

- (1) RTCG shall regulate its internal organization and manner of work, in compliance with law and its Statute.
- (2) RTCG shall have two business and organisational units: "Radio of Montenegro" and "Television of Montenegro."
- (3) The authorisations of the organisational units in legal circulation shall be established by the RTCG Statute, in compliance with law.

#### **Studios for broadcasting of regional radio and television programs**

#### **Article 8**

For the need of individual public broadcasting services, RTCG may establish regional radio and television studios, specifically obliged to produce and broadcast regional programmes and programmes in languages of national minorities and other national minority communities in that area.

### **III RTCG OBLIGATIONS AND ACCOUNTABILITY**

#### **Article 9**

RTCG shall produce and broadcast programs, with respecting high standards of professional ethics and quality, which shall:

1. serve as referent points in terms of strengthening community and social integration of all individuals, groups and communities;
2. meet public interests on both national and local level, in balance manner, and with appropriate representation of informative, cultural, educational, scientific, sport and entertaining programs;
3. ensure space for open and free expression of different opinions and positions on issues of public interest;
4. be intended for all segments of society, especially taking into account children and youth, national and ethnic minorities, disabled persons, socially vulnerable groups, and other specific groups;
5. affirm and foster Montenegrin national and cultural identity, cultural and ethnic identity of national and ethnic minorities, European cultural heritage and cultural diversity;
6. affirm Montenegrin cultural heritage, foster and encourage cultural and art work, and widen knowledge on different cultures presented in Montenegro;

7. reflect different ideas and religious beliefs in society, aimed at strengthening of understanding, tolerance and promoting of multicultural, multiethnic and multi-confessional society of Montenegro;
8. contribute to the observance and promotion of fundamental human rights and freedoms, democratic values and institutions, and pluralism of ideas, public dialogue culture, linguistic standards, privacy and dignity of individuals;
9. instigate development of democratic culture of society;
10. promote and support civil society values, and present citizens' initiative;
11. inform the public on the events and matters of public importance in the country and abroad in a truthful, complete, impartial and timely manner;
12. reflect actual life problems of different structures in Montenegrin society;
13. present and promote historical sources and material evidences on past;
14. promote development of Montenegro and Montenegro as ecological country;
15. inform the public on issues of importance for health of people, protection of citizens, property, cultural heritage and environment;
16. ensure production and representation of cinematographic and audiovisual works;
17. during the election campaign, on the basis of separate regulations, provide equal presentation of political parties, coalitions and individuals;

### **Professional standards and program rules**

#### **Article 10**

RTCG is obliged to adopt and respect professional standards and program rules.

### **Rights and obligations of the employees**

#### **Article 11**

- (1) RTCG employees shall exercise their rights and obligations in compliance with valid laws regulating the field of labor and employment
- (2) RTCG employees shall have the right to join, on free basis, any domestic and international organization, in order to protect their professional, economic, and social rights and interests.

### **RTCG Accountability**

#### **Article 12**

- (1) RTCG shall be accountable to the public.
- (2) The accountability of RTCG to the public shall be realised through:
  1. The procedure of appointment of the RTCG Council, its public work and duty to represent and protect citizens' interests in the field of information;
  2. Informing the public about the RTCG activities by means of publicising the Operation Bulletin in print or/and electronic form;
  3. Prescribing and implementing the procedures that enable the listeners and viewers to submit the petitions and complaints concerning the RTCG work.

## **IV. INDEPENDENCE OF RTCG**

### **Program independence**

#### **Article 13**

RTCG shall independently decide upon the content of the program, and in accordance with that, it shall:

1. determine program scheme;
2. determine concept of program producing and broadcasting;
3. edit and broadcast information on current events;
4. organize performing of the activities.

### **Independence of journalists**

#### **Article 14**

Journalists employed in RTCG shall be independent in their work and they shall act in the public interest. Journalist may not be dismissed from a job, his/her salary may not be reduced, his/her job position in editorial office may not be changed, and he/she may not be determined as responsible for opinion or position expressed in accordance with professional standards and program-related rules.

## **V. RTCG FUNDING**

### **Source of funding**

#### **Article 15**

RTCG shall be funded from:

1. a part of general incomes of the Budget of Montenegro;
2. production and broadcasting of advertisements;
3. production and sale of audio-visual works (shows, films, series, etc.) and of sound and picture repositories of public interest;
4. sponsorship of program contents;
5. organisation of concerts and other manifestations;
6. the Budget of Montenegro;
7. other sources in compliance with law.

### **General incomes of the Budget of Montenegro**

#### **Article 16**

- (1) The Budget of Montenegro shall provide funds, on annual basis, in amount of 1,20% of current budget of Montenegro, prescribed by the Law on Budget for specific year, aimed at realization of basic activity of RTCG.
- (2) State administration body competent for finances shall transfer funds, referred to in paragraph 1 herein, to the RTCG, on monthly basis and in compliance with special Instruction.
- (3) Report on transferred funds shall be delivered with Final Balance Sheet of the budget of Montenegro.

### **Funding of program content with specific purpose**

#### **Article 17**

- (1) The Budget of Montenegro shall provide a part of funds for the realisation of the citizens' rights to be informed, on the basis of Radio of Montenegro and Television of Montenegro programming important for:
  1. science and education development;
  2. development of culture;
  3. information intended for persons with eyesight and hearing impairments;

- (2) With the aim to realise the rights referred to in paragraph 1 of this Article, the State shall provide a part of funds for programmes in Albanian and languages of other national and ethnic minorities.
- (3) The funds referred to in paragraphs 1 and 2 of this Article shall be used for the production of the aforementioned programmes only.

#### **Using of funds**

##### **Article 18**

- (1) State administration body competent for media (hereinafter referred to as: the Ministry) *and* RTCG shall contractually regulate mutual rights and liabilities related to the use of the funds referred to in the Article 17 of this Law, not later than within 30 days from the date of coming into effect of the Law on the Budget of Montenegro for the year.
- (2) The manner and conditions of providing the funds from the Budget Montenegro shall not influence the editorial independence and autonomy of the RTCG.
- (3) In compliance with the provisions of the Law on Budget, payment of the funds from the Budget of Montenegro shall be done in four equal instalments.
- (4) The contract referred to in paragraph 1 of this Article shall be published in the RTCG Operation Bulletin and submitted to the independent regulatory authority for program contents.

#### **Program transmitting and broadcasting**

##### **Article 19**

- (1) The Budget of Montenegro shall provide the funds for covering the costs of transmission and broadcasting of RTCG programs via terrestrial systems, and electronic communications networks without radio-frequencies, operated by the legal entity for the transmission and broadcasting of radio and TV signals, established by the Government of Montenegro (hereinafter referred to as: the Government)
- (2) The Ministry and the legal entity for the transmission and broadcasting of radio and TV signals shall contractually regulate their mutual rights and liabilities with regard to the manner and conditions of payment of funds referred to in paragraph 1 of this Article, not later than within 30 days from the date of coming into effect of the Law on the Budget of Montenegro for the year.
- (3) Provided that it is not possible to reach the agreement with regard to the contract referred to in paragraph 2 of this Article in defined time line, rights and liabilities with regard to manner and conditions of payment of funds referred to in paragraph 1 of this Article shall be temporary regulated by the independent regulatory authority for program contents.
- (4) RTCG shall provide the funds for covering the costs of transmission and broadcasting of its programs via satellite systems and a part of costs of transmission and broadcasting of its programs via terrestrial transmission systems, which is not covered by the budget of the Ministry.

## **VI. RTCG MANAGEMENT**

#### **RTCG Bodies**

##### **Article 20**

The RTCG bodies shall be:

1. RTCG Council and
2. RTCG Director General;

#### **RTCG Council**

## **Article 21**

- (1) The Council of RTCG (hereinafter referred to as: the Council) shall represent interests of the public.
- (2) The RTCG Council shall be independent of any state authority, as well as of all organisations and persons involved in the activity of production and broadcasting of radio and television programmes or related activities (advertising, telecommunications, and other).

## **The Council Competences**

### **Article 22**

The Council shall:

1. Adopt the RTCG Statute;
2. Appoint the chairman and deputy chairman from among the Council Members in a manner and according to the procedure regulated by the RTCG Rules of Procedure;
3. Appoint and recall the RTCG Director and concludes the contract on work with him/her, while the decision on appointment shall be adopted only after conducted open competition;
4. Adopt general acts regulating the issues related to programme and professional standards in RTCG;
5. Adopt programme-related documents of Radio of Montenegro and Television of Montenegro;
6. adopt general act on internal organization and systematization of job positions in the RTCG;
7. adopt working plans, reports on work, and periodical and annual statements of account of RTC, and publish them on RTCG web-site;
8. adopt investment and financial plans of RTCG;
9. Appoint the authorised auditor of periodic and annual statements of account of RTCG;
10. Adopt financial statement of RTCG for previous year, as well as report of the authorized auditor, and publish them on RTCG web-site;
11. give approval for contract on use of funds provided from the Budget of Montenegro for production and broadcasting of programs referred to in Article 17 of this Law;
12. Adopt the act on minimum work process which is to be satisfied during the strike of the employees;
13. Analyse and decide upon violation of the programme principles prescribed by the provisions of law and programme-related documents and propose appropriate measures to the Director of Radio of Montenegro or Director of Television of Montenegro, after hearing their opinion;
14. Appoint the Commission for Petitions and Complaints of the listeners and viewers of RTCG programmes, among the Council members, in compliance with the RTCG Statute;
15. Publicise on regular basis, at least two times a year, the RTCG Operation Bulletin on RTCG web-site;
16. Appoint and recall the Commission for Programming in Albanian and Languages of Other National and Ethnic Groups;
17. Adopt the decisions on the purchase, sale and mortgaging of RTCG property, in compliance with the law;
18. adopt decision on taking the bank loans and granting the financial guarantees, in compliance with the law;
19. give its approval on the decisions of the Director general and contracts that obligate RTCG to pay a total amount exceeding the amount determined by the RTCG Statute;
20. give its approval on any change in budget allocation;

21. Enact the Rules of Procedure;
22. Perform other duties in compliance with the law and the Statute.

### **Insight of the public into the RTCG performance**

#### **Article 23**

The Council shall, until the end of June of current year the latest, make public, via web site of the RTCG, following documents:

1. Report on Work of the RTCG for previous year, with special emphasize on implementation of program standards and realization of obligations determined by the Law;
2. Report on financial operations of the RTCG for previous year, which contains data on use of funds referred to in Article 15, paragraph 1, points 1 and 6 of this Law;
3. Report of the authorized auditor on financial operations of the RTCG;

### **Members of the Council**

#### **Article 24**

The RTCG Council shall comprise nine members.

### **Criteria for appointment of the Council member**

#### **Article 25**

Member of the Council shall be esteemed expert in the field relevant for performing of activities of the RTCG (media, law, economy, technical sciences, sociology, marketing, broadcasting, etc), with permanent residence in Montenegro, who is a holder of a university level degree, at least.

### **Conflict of Interest**

#### **Article 26**

Member of the Council shall not be:

1. member of the national Parliament and of the local assemblies;
2. person elected, nominated, or appointed by the President of Montenegro, the Parliament of Montenegro, or the Government of Montenegro;
3. RTCG employees;
4. officials of the political parties (president of the party, member of the presidency of the party, their deputies, members of executive and general committees of the party, and other party's officials);
5. Persons, who as stake holders, shareholders, members of managing bodies, members of supervisory bodies, employees, etc. have the interest in legal entities that produce radio and television programmes, so that the membership of such person in the RTCG Council could result in the conflict of interest;
6. Persons that are sentenced by final and binding decision, for criminal offence against official duty, criminal offence of corruption, fraud, theft or any other criminal offence which makes them unworthy of performing public duty regardless of the sentence imposed or if those persons are sentenced, by final and binding decision, for other criminal offence on sentence of imprisonment exceeding six months, during the period of legal consequences of the sentence;
7. Persons who are spouses of the persons mentioned in this Article or are related to them in the straight line;

### **Appointment and dismissal of the RTCG Council**

#### **Article 27**



The RTCG Council shall be appointed and dismissed by the Parliament of Montenegro.

**Authorized nominators for the RTCG Council members**

**Article 28**

- (1) Authorised nominators of the RTCG Council Members of shall be:
  1. Universities in Montenegro, for one member;
  2. Montenegrin Academy of Science and Art, and “Matica crnogorska,” for one member;
  3. national institutions of culture and non-governmental organizations in field of culture, for one member;
  4. Montenegrin Chamber of Commerce and association of employers represented in the Social Council, for one member;
  5. non-governmental organizations in field of media, except for association of broadcasters, for one member;
  6. non-governmental organizations for protection of human rights and freedoms, which deal with exercise and protection of national, gender and total equality; right on healthy environment; consumers’ rights; rights of the disabled persons or right on education and social welfare, for two members;
  7. trade union represented in the Social Council, for one member;
  8. Montenegrin Olympic Committee and Montenegrin Para-Olympic Committee, for one member;
- (2) It is not obligatory for a person appointed for the RTCG Council Member to be member of the authorised nominator.
- (3) Nominators, referred to in paragraph 1, point 1, 2, 3, 5, and 8 herein, may propose, jointly or separately, one candidate each for the RTCG Council member.
- (4) Nominator, referred to in paragraph 1, point 7, of this Article may propose one candidate for the RTCG Council member.
- (5) Nominators, referred to in paragraph 1, point 6 of this Article may propose, jointly or separately, two candidates each for the RTCG Council member.
- (6) Candidates for the RTCG Council members shall be proposed by the authorized management bodies of the legal persons described in the paragraph 1 of this Article, in accordance with their statutes.
- (7) If nominators referred to in paragraph 1, point 1, 3, 5, and 6 herein, submits more than one separate proposal, then only proposal supported by the majority of the authorized nominators shall be discussed and examined.
- (8) If nominators referred to in paragraph 1, point. 2, 4 and 8 herein, submits more than one separate proposal, then proposal of nominators shall be discussed according to the order of nominators; in case that proposal does not fulfil prescribed conditions, then proposal of the following nominator in order shall be discussed;
- (9) In case of situation referred to in paragraph 8 of this Article, authorized nominators shall change their positions in order in the next procedure of the RTCG Council appointment;
- (10) Proposal that contains number of candidates exceeding the number prescribed in paragraphs 3, 4, and 5 of this Article, shall not be discussed and examined.

**Content of proposal for the Council member appointment**

**Article 29**

- (1) Proposal for appointment of the RTCG Council member shall contain following information: name and surname, address, short biography of the proposed candidate;

proposal shall be signed, verified, and sealed by the authorized nominator, i.e. authorized nominators.

- (2) Proposal of the candidate for the RTCG Council member shall be submitted on the form determined by the Parliament body competent for appointment (hereinafter referred to as “Working Body”).
- (3) Following documents shall be enclosed to the proposal described in the paragraph 1 of this Article:
  1. Certificate on permanent residence in Montenegro of the nominated candidate;
  2. Certificate on completed education of the nominated candidate;
  3. Statement of the proposed candidate on acceptance of nomination, and on non-existence of obstacles for his/her nomination described in Article 26 of this Law;
- (4) Non-governmental organization, in position of the nominator, shall submit, together with certificates/evidences referred to in paragraph 3 herein, following documents:
  1. Certificate on registration in register of non-governmental organizations in competent body of state administration;
  2. Founding act and statute, in text stored in the competent body of the state administration;
  3. Reports on work and financial reports for previous three years.
- (5) Proposal for appointment of the RTCG Council member, which is not prepared in accordance with the paragraph 1, 2, 3, and 4 herein, shall not be discussed and examined.

#### **Non-governmental organization as authorized nominator**

##### **Article 30**

- (1) Non-governmental organization may be nominator of the candidate for the RTCG Council member, if:
  1. It is registered in competent body of the state administration at least three years prior to publishing of public call for submitting of proposal for the RTCG Council nomination;
  2. In founding act and statute, as basic goals and functions, stated issues from the field envisaged by the Article 28, paragraph 1, point 3, 5, and 6, of this Law, and have been continuously working upon these issues for previous three years.
- (2) One non-governmental organization may participate in proposing procedure for the Council member only in framework of one category nominator, described in the Article 28, paragraph 1 of this Law.

#### **Independence of the RTCG Council member**

##### **Article 31**

- (1) RTCG Council Member shall not represent the authorized nominator, but perform their duty independently, autonomously, according to their own knowledge and conscience, and in public interest, in compliance with this Law, the RTCG Statute, and other general legal acts.
- (2) Nobody has the right to influence, in any way, the work of the RTCG Council Members, and they are not obliged to observe anybody’s instructions with regard to their work, except the decisions of a competent Court.

#### **Term of office of the RTCG Council**

##### **Article 32**

- (1) The term of office of the RTCG Council shall start with the day of the appointment confirmation and it shall be appointed for the period of five years.
- (2) A person may not be elected member of the RTCG Council more than two times in a row.
- (3) The RTCG Council shall be considered as appointed when at least seven members of the RTCG Council are appointed.

### **Initiating of the procedure for the RTCG Council appointment**

#### **Article 33**

The Working Body, referred to in Article 29, paragraph 2 of this Law, shall initiate the procedure of appointment of the RTCG Council by issuing a public invitation for the authorized nominators, not later than 6 (six) months before the expiry of term of office of current Council.

### **Public invitation**

#### **Article 34**

Public invitation shall be sent to the authorized nominators by publishing it in “The Official Gazette of Montenegro,” at the web site of the Parliament, and at least in one daily printed media published in Montenegro.

### **Content of public invitation**

#### **Article 35**

Public invitation shall obligatory contain following:

1. Authorized nominators described in Article 28, paragraph 1 herein, and number of nominations they may submit;
2. Criteria that candidate for the RTCG Council member has to fulfil;
3. Criteria that non-governmental organizations, as authorized nominators, have to fulfil;
4. Documentation that have to be submitted attached to the nomination;
5. Name and address of the body where nominations are submitted;
6. Manner of submitting, and deadline for submitting of nominations;

### **Deadline for submitting of nomination**

#### **Article 36**

- (1) The deadline for submission of proposals for the RTCG Council appointment runs from the date of publication of the public invitation in the daily print media.
- (2) The deadline for submission of proposals for the RTCG Council members shall be 45 days from the date of publishing of public invitation.

### **List of candidates for the RTCG Council appointment**

#### **Article 37**

- (1) The Working Body shall publicly announce, not later than within eight days from the date of expiry of the submission deadline, in the same manner in which the public invitation was published, the list of all applicants with completed and timely submitted proposals for the RTCG Council members.
- (2) The Working Body shall adopt, not later than within 15 days from the date of expiry of the submission deadline, proposal of list for the RTCG Council appointment, per authorized nominator.

- (3) The Working Body shall also attach, to the proposed list for the RTCG Council appointment, proposals of the authorized nominators fulfilling the conditions and requirements prescribed by the Law.
- (4) If nominator of certain categories submits more than one separate nomination, proposed list shall contain the nomination for which the law stipulates that it will be considered.
- (5) Proposed list for the RTCG Council appointment, with attached reasoning and report on completed procedure for the RTCG Council appointment, shall be delivered to the Parliament for discussion and decision-making.

#### **Deciding upon proposed list**

##### **Article 38**

- (1) The Parliament shall decide upon proposed list for the RTCG Council appointment not later than within 60 days from the date of delivering material described in Article 37, paragraph 5 of this Law.
- (2) The Parliament shall decide upon entire proposed list of candidates for the RTCG Council appointment.

#### **Reopening of procedure**

##### **Article 39**

- (1) If the proposed list is not complete, procedure shall be reopened for the RTCG Council member appointment from the category of nominator whose proposal is not adopted.
- (2) In case of paragraph 1 of this Article, the Working Body shall publish again public invitation for the authorized nominators whose proposals are not adopted, not later than within 15 days from the date of adoption of proposed list and in manner prescribed by this Article.
- (3) Term of office of the RTCG Council member appointed upon reopened public invitation shall last until expiry of the term of office of the RTCG Council, pursuant to Article 32, paragraph 1 of this Law.

#### **Compensation for the RTCG Council member**

##### **Article 40**

The RTCG Council Members shall be entitled to a monthly compensation for their work in amount of the one received by other employees in the RTCG in the month prior to payment of compensation. The RTCG Council Members shall be entitled to reimbursement of the costs arising from performing of duties as the Council member, in accordance with the Statute of the RTCG.

#### **Termination of term of office of the RTCG Council member**

##### **Article 41**

The term of office of a RTCG Council Member shall be terminated following the procedure prescribed by the provisions of this Law and due to the following reasons only:

1. upon the expiry of the period, for which the member of the Council has been appointed;
2. by recall, due to the reasons prescribed by the provisions of this Law;
3. by submission of written resignation to the Parliament, about which the both RTCG Council and authorized nominator shall be informed not later than within eight days;
4. upon the death of the member;

#### **Recall of the RTCG Council member**

##### **Article 42**

The Parliament shall recall the RTCG Council member and appoint other member if:

1. it is established that he has given untrue data about himself or has failed to state data on circumstances important for the appointment;
2. fails attend the RTCG Council meetings for the period longer than six months;
3. during his term of office, any of the circumstances referred to in the Article 26 of this Law occurred;
4. he is not able to perform duties of the RTCG Council Member over a period longer than six months, due to illness according to findings of competent medical institution;

#### **Procedure for recalling of the RTCG Council member**

##### **Article 43**

- (1) Procedure for recalling of the RTCG Council member shall be initiated by the Council or by the Working Body;
- (2) The Parliament shall pass decision on recalling of the RTCG Council member only upon completion of the procedure during which all relevant circumstances were determined and during which the RTCG Council Member has been allowed to explain all the circumstances.

#### **Suspension of the RTCG Council member**

##### **Article 44**

The RTCG Council may suspend, by the two third majority vote of the total number of its members, the Council Member against whom the request for recalling was submitted, until the final decision of the Parliament.

#### **Appointment of the new RTCG Council member**

##### **Article 45**

- (1) In case when the term of office is terminated before the expiry of the period of appointment of the RTCG Council Member, the Working Body is obliged to publish public invitation for the authorized nominators of the RTCG Council members for new proposals, not later than within 15 days from the date of termination of term of office.
- (2) Provisions of this Law governing the appointment of the RTCG Council member shall be applied to the procedure of appointment of the RTCG Council member referred to in paragraph 1 of this Article.
- (3) Newly appointed RTCG Council member shall be appointed for the period until the expiry of the former member's term of office.
- (4) The RTCG Council Member who was recalled before expiry of term of office, pursuant to the Article 42, paragraph 2, points 1 and 2, shall not be appointed for the RTCG Council member again.

#### **Cessation of the RTCG Council's work**

##### **Article 46**

If, due to the termination of certain members' terms, the number of the members is less than 7 (seven), the RTCG Council shall not work and reach valid decisions.

#### **Recall of the RTCG Council**

##### **Article 47**

- (1) The Parliament shall recall the RTCG Council if Council:
  1. fails to meet, unjustifiably, for the period longer than 6 (six) months;
  2. fails to realize the obligation prescribed by Article 22, paragraph 1, point 2 of this Law

3. fails to publish, at the web site of the RTCG, financial report of the RTCG for the previous year and report of the auditor;
- (2) Procedure for recall of the Council shall be initiated by the Working Body described in Article 29 paragraph 2 of this Law.

### **Work of the RTCG Council**

#### **Article 48**

- (1) The RTCG Council shall work in sessions.
- (2) The sessions of the RTCG Council shall be held when necessary, at least once a month.
- (3) The session of the RTCG Council shall be organized upon request of at least three RTCG Council members or upon the request of the RTCG Director General;
- (4) Decisions shall be reached by majority vote of the RTCG Council Members present, if it is not regulated differently for certain issues by the RTCG Statute or this Law.
- (5) The RTCG Council sessions shall be open to the public, unless decided differently by two-third majority out of the total number of members.
- (6) Director General and Directors of Radio of Montenegro and Television of Montenegro, shall have the right to take part in the RTCG Council sessions, without the decision-making right.
- (7) The RTCG Council may decide, by two-third majority out of the total number of present members, to exclude from its work the persons referred to in paragraph 6 of this Article.
- (8) The participation of other persons in the RTCG Council's work shall be regulated by the RTCG Council Rules of Procedure;

### **RTCG Director General**

#### **Article 49**

- (1) RTCG Director General shall be a person with Montenegrin citizenship, the residence in Montenegro, has a university degree minimum, and at least five years of professional experience.
- (2) Director General shall:
  1. act for and represent RTCG;
  2. organise and control the process of work and manage operations of RTCG;
  3. be responsible for work and legality of work of the RTCG;
  4. propose general act on determining programme and professional standards in RTCG;
  5. propose program-related documents of the RTCG;
  6. propose general act on internal organisation and job classification in RTCG;
  7. propose working plans of the RTCG;
  8. submit report on work and periodical and annual statements of account of RTCG;
  9. submit financial statement of RTCG for previous year;
  10. sign the contract with the Ministry, with previous approval from the Council, on use of funds provided from the Budget of Montenegro for production and broadcasting of programs referred to in Article 17 of this Article;
  11. ensure realization of program-related documents and professional standards in the RTCG;
  12. appoint and recall Director of Radio of Montenegro and Director of Television of Montenegro, as well as other management staff in the RTCG;

13. propose the act on minimum work process which is to be satisfied during the strike of the employees;
  14. propose the decisions on the purchase, sale and mortgaging of RTCG property, as well as decisions on taking the bank loans and granting the financial guarantees, in compliance with the law;
  15. perform other duties regulated by the RTCG Statute;
- (3) The term of office of the Director General shall be four years.
  - (4) The same person shall not be appointed Director General more than two times consecutively.
  - (5) A person, who is not qualified to be the RTCG Council Member, as by provisions set out herein, shall not be appointed Director General;
  - (6) The Article 26, paragraph 1, point 3 of this Law shall not be applied to the candidates for the appointment of the Director General;

### **Radio of Montenegro and Television of Montenegro Directors**

#### **Article 50**

- (1) Director of Radio of Montenegro and Director of Television of Montenegro shall be appointed and recalled by the RTCG Director General;
- (2) A person who is the citizen of Montenegro, with permanent residence in Montenegro, has a university degree minimum, and at least five years of experience in the field of media may be appointed Director of Radio of Montenegro and Director of Television of Montenegro.
- (3) A person, who is not qualified to be the RTCG Council Member, as by provisions set out herein, shall not be appointed Director of Radio of Montenegro or Director of Television of Montenegro.
- (4) Director of Radio of Montenegro and Director of Television of Montenegro shall be appointed for the term of 4 (four) years, with the possibility of re-election.
- (5) The Article 26, paragraph 1, point 3 of this Law shall not be applied to the candidates for the appointment of the Director of Radio of Montenegro or Director of Television of Montenegro.

### **Competences of Radio of Montenegro and Television of Montenegro Directors**

#### **Article 51**

Director of Radio of Montenegro, or Director of Television of Montenegro, shall:

1. act for and represent Radio of Montenegro or Television of Montenegro, respectively within the authorisations given;
2. propose the programme orientation of Radio of Montenegro or Television of Montenegro, respectively and shall be accountable for its implementation to the RTCG Council, in compliance with law and RTCG Statute;
3. enforce adopted operating plans of Radio of Montenegro or Television of Montenegro, respectively;
4. implement the provisions of this Law which regulate the programming;
5. appoint and recall Programme Editors in Radio of Montenegro or Television of Montenegro, respectively;
6. propose to the Director General the internal organisation and job classification in Radio of Montenegro or Television of Montenegro, respectively;
7. sign the labour contracts with the employees of the Radio of Montenegro and Television of Montenegro, respectively in compliance with the RTCG Council Statute and the act on internal organisation and job classification;

8. carry out the decisions of the Commission for Petitions and Complaints;
9. perform other duties as provided by the RTCG Statute.

### **Recall of RTCG Director General, Director of Radio of Montenegro, and Director of Television of Montenegro**

#### **Article 52**

- (1) RTCG Director General, Director of Radio of Montenegro, and Director of Television of Montenegro may be recalled before the expiry of their term:
  1. upon a personal request;
  2. if they fail to act in compliance with the provisions of law and general acts of RTCG;
  3. if their negligent and irregular conduct leads to significant damage to RTCG.
- (2) Before adopting a decision on recall, RTCG Director General, Director of Radio of Montenegro and/or Director of Television of Montenegro shall be given chance to advance explanations concerning the reasons for being recalled.

### **Appointment of Acting RTCG directors**

#### **Article 53**

- (1) In case of recall of RTCG Director General, the Council shall appoint Acting RTCG Director General for a period not exceeding six months, i.e. until the new RTCG Director General is elected and appointed.
- (2) In case of recall of Director of Radio of Montenegro, or Director of Television of Montenegro, RTCG Director General shall appoint Acting Director of Radio of Montenegro, or Acting Director of Television of Montenegro, respectively.

## **VII. RTCG STATUTE**

### **RTCG Statute Content**

#### **Article 54**

- (1) The RTCG Statute shall contain the provision with regard to:
  1. RTCG seat;
  2. internal organisation of RTCG;
  3. manner of work, decision-making and competencies of the administrative body of the RTCG and a person with special authorisation;
  4. decision-making procedure with regard to the petitions and complaints of listeners and viewers concerning the RTCG activities;
  5. manner of publicising of the RTCG Operating Bulletin, financial plans, income and expenditure statements and other documents and information RTCG is obliged, as by the provisions set out herein, to present to the public;
  6. manner of establishing the amount and allocation of the funds by the individual organisational units within the RTCG.
- (2) The RTCG Statute shall also contain the provisions with regard to other issues in compliance with law.

## **VIII. RTCG ASSETS**



## **Ownership rights**

### **Article 55**

- (1) The RTCG assets, which shall consist of the ownership rights over movable assets and real estate, financial resources, securities and other property rights, shall be owned by the state.
- (2) RTCG shall be liable for its commitments with all of its assets.
- (3) The State shall have joint, several and unlimited liability for the commitments of RTCG.
- (4) RTCG shall not burden or sell, without the consent of the RTCG Council, any real estate or other assets with a value exceeding the value determined by the RTCG Statute.

## **IX. TRANSITIONAL AND FINAL PROVISIONS**

### **Initiating of the procedure for new RTCG Council appointment**

#### **Article 56**

- (1) The Working Body, referred to in Article 29, paragraph 2 of this Law, shall initiate the procedure of appointment of the RTCG Council members, within 8 (eight) days from the day of entering into force of this Law, in compliance with provisions of this Law.
- (2) The Speaker of the Parliament shall summon the first session of the newly appointed RTCG Council within 15 days from the day of appointment of, at least, seven Council's members by the Parliament.

### **Continuation of RTCG Council work**

#### **Article 57**

The existing RTCG Council shall continue to work, with competencies prescribed by this Law, until the new RTCG Council is appointed, in compliance with this Law.

### **Continuation of RTCG directors' work**

#### **Article 58**

RTCG Director General, Director of Radio of Montenegro, and Director of Television of Montenegro shall continue to work until the expiry of term of office of their appointment.

### **Termination of term of office of RTCG Managing Board**

#### **Article 59**

Term of office of the RTCG Managing Board shall be terminated by entering into force of this Law.

### **Approximation of Statutes**

#### **Article 60**

The RTCG Council shall approximate RTCG Statute with provisions of this Law, not later than within period of 60 days from the date of entering into force of this Law.

### **Deadline for bylaws adoption**

#### **Article 61**

Instruction referred to in Article 16, paragraph 2 of this Law shall be adopted by the state administration body competent for finance issues, not later than within period of 15 days from the date of entering into force of this Law.

### **Establishment of legal entity for transmitting and broadcasting of radio and TV signals**

#### **Article 62**

- (1) Act on establishing legal entity referred to in Article 19, paragraph 1 of this Law shall be adopted not later than within period of 30 days from the date of entering into force of this Law.
- (2) Legal entity referred to in paragraph 1 herein shall take over property and employees of previous public enterprise for transmitting and broadcasting of radio and TV signals - "Broadcasting Centre."

### **Cease of validity of previous Laws**

#### **Article 63**

The day this Law enters into force, the Law on Public Broadcasting Services "Radio of Montenegro" and "Television of Montenegro" ("Official Gazette of RMNE", no 51/02 and 62/02) as well as provisions of the Article 7, paragraph 1, point 10, Article 21, paragraph 1, points 11, 19 and 20, and part of the point 21 following the word "Agency", Article 28, paragraph 1, points 5 and 7, Article 30, Article 65 paragraph 2 and 3, Article 74, 75, 76, 77, 78, 79, 86, 87 and 88, Article 117 paragraph 1 points 1 and 2, Articles 118 and 120a of the Broadcasting Law ("Official Gazette of RMNE ", no 51/02, 62/02 and 56/04).

### **Deferred application of the provision**

#### **Article 63a**

Article 19 paragraph 4 shall be applicable as of 1 January 2013.

### **Entering into force**

#### **Article 64**

This Law shall enter into force on the 8<sup>th</sup> day upon its publication in the "Official Gazette of Montenegro."