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RADIO-TELEVIZIJA BOSNE I HERCEGOVINE  
РАДИО-ТЕЛЕВИЗИЈА БОСНЕ И ХЕРЦЕГОВИНЕ  
RADIO AND TELEVISION OF BOSNIA AND HERZEGOVINA

**EBU**

OPERATING EUROVISION AND EURORADIO



## INTERNATIONAL CONFERENCE "NATIONAL PUBLIC SERVICE BROADCASTING IN BOSNIA AND HERZEGOVINA"

Organized by BHRT, BiH Association of Journalists, European Broadcasting Union (EBU), Council of Europe (CoE), OSCE Representative of Freedom of the Media (RoFM), European Federation of Journalists (EFJ), and South-East Europe Media Organisation (SEEMO), and with the participation of Members of European Parliament Tanja Fajon and Cristian Preda, CoE Commissioner for Human Rights, Nils Muižnieks and Dunja Mijatović, former OSCE RoFM

### RECOMMENDATIONS

#### Challenges and threats

1. Professional, independent and credible Public Service Broadcasting (PSB) is indispensable for democracy and the processes of nation-building and social cohesion. It is also an antidote to the spread of disinformation and propaganda that created the conditions for the war in the 90's.
2. The international community alerts the authorities of BiH that allowing a collapse of the PSB System is absolutely unacceptable.
3. Failure to resolve the PSB crisis would cause the closure of the BHRT, it would seriously undermine the BiH image on the international scene representing BiH as a failing state and democracy, would seriously threaten the accession process of BiH to the European Union (EU) and not least would lead to BHRT being expelled from the EBU.

4. Losing an important national institution risks violation of Council of Europe standards in the area of freedom of expression including article 10 of the European Convention on Human rights, seriously threatens the consolidation processes in the country, the media pluralism, and would foster deeper divisions within the country along ethnic lines. Furthermore, it would allow for greater political influence from the politicians of the entities on public service media.
5. Responsible and proactive political leadership is needed to resolve the structural problems for the functioning of PSB and to create a financially sustainable and politically independent PSB system in BiH.
6. There is a clear understanding by all relevant partners, including politicians, that the national PSB in BiH has to be preserved and that there is a need for urgent measures to be undertaken. Moreover, the Council of Ministers has provided one time financial boost to BHRT, which eased to some extent the critical financial situation and this support needs now to be further extended.

#### **Suggested urgent measures**

7. Recommendations adopted by the Conference will be sent out to the parliaments and the governments on 19 June 2017.
8. The recommendations will be presented at the next parliamentary session of the BiH House of Representatives on 5 July 2017.
9. The House of People and House of Representatives of the Parliamentary Assembly of BiH should call an urgent extraordinary meeting for discussion of the Law on Amendments of the Law on PSB system, as soon as possible.
10. A coordination team, including Borka Rudić, Plamenko Čustović, Dara Cvijetić, Zoran Kresić and Goran Samardžić involving the *éminence grises* of the media society, and under the leadership of Belmin Karamehmedović and Lejla Babović will follow up on the implementation of the conference's recommendations.

#### **Urgent measures, suggested to BiH Parliament**

11. Under an *urgency procedure* to adopt amendments to the PSB system law, which will enable a collection of the broadcasting fee through electricity bills until a sustainable mechanism for funding is developed. The amendments should be prepared as a joint proposal by the PSB system's Board, which is composed of the three PSB Steering Boards.

12. Urge Council of Ministers to allocate immediate financial help to cover the debts of BHRT as latest by 15 July.
13. Harmonise entity PSB laws with the state level PSB law and create a common for the three public service broadcasters' mechanism for the collection of the fee.

#### **Urgent measures, suggested to the Parliament of the Federation of BiH**

14. Under an *urgency procedure* to adopt amendments to the Law on Enforcement procedures, as well as other legal acts, which will enable efficient obligatory payment of the RTV fee.

#### **Urgent measures, suggested to the Council of Ministers (CoM)**

15. Allocate urgent financial help for the BHRT to enable its functioning. International donors, banks and development agencies, which could help with the internal debt could also be addressed. The CoM should guarantee a payment plan for the debts of the BHRT towards the EBU and ensure end of sanction 3 towards BHRT and return to BHRT's use of the EBU services.

#### **Other suggestions to BiH CoM**

16. The CoM should launch a one year reform programme of the PSB and establish a Task Force for the implementation of this reform by 15 July 2017.
17. The CoM should establish a Working Group with representatives of BiH civil society and international community for amendments and harmonization of the PSB laws by 15 July 2017.

#### **Urgent measures, suggested to the Steering Board of Public Service Broadcasting System**

18. The Steering Board of the Public Service Broadcasting system should prepare amendments on mechanism for collection of the broadcasting fee at its first meeting on 22 June and should hand over these amendments to the BiH Parliament by the end of June. These amendments must be adopted as a joint and coordinated proposal of the PSB system Steering Board.
19. The Steering Boards and the managements of the three public broadcasters are encouraged to negotiate and enter into contracts with Electric companies,

since the current law allows this method to be used as a mechanism of resolving the issue of financing.

20. The steering boards and the managements of the three public broadcasters should create a common body for the collection of the RTV fee.
21. The steering boards of the three PSBs should urgently harmonize existing bylaws with the PSB entity laws and with the PSB system law.

### **Suggested mid-term measures**

22. A broad dialogue among all relevant stakeholders, especially the citizens should be launched in order to ensure appropriate representation of the needs and the interests of all constituent peoples in BiH - Bosnjaks, Serbs, Croats and "Others", including all groups and minorities in BiH in the programmes of PSB.
23. The laws should be harmonized and should oblige Federation of BiH and Republic of Srpska to fully respect the rule of law and secure proper implementation. The PSB law on a state level should not allow derogation on entity levels. Respective punitive mechanisms should ensure the proper implementation of the laws.

### **Suggested long term measures**

24. Parliaments, governments, the Communication Regulatory Authority and the public service broadcasters should develop respective strategies to adapt PSB system to the needs of the new digital environment and requirements.
25. Political and financial independence of the Communication Regulatory Authority should be ensured.

### **Civil sector**

26. The civil sector should continue to mobilize citizens and push BiH authorities to ensure adequate funding and environment for the work of PSB. If the country fails to undertake the above described measures – the civil sector will present the case to the European Court of Human Rights for violation of Art 10 of the ECHR.

### **Public service broadcasters in BiH**

27. Public service broadcasters should undertake necessary reforms to ensure their independence, to optimize resources, to build an effective and professional system, organized for digital production, use of different platforms and social media, which serves the public interest and all peoples and groups in the society, and which secures great transparency and accountability to the public.
28. The three public service broadcasters should reinforce the common dialogue and create a common network operator, as well as exchange programmes and reduce production costs through joint coverage of important public events.
29. Public service media professionals and trade unions should strongly support the necessary reforms in the creation of modern service to the citizens and take share in the responsibility for the success of these reforms.

#### **International community**

30. The international community stands ready to mediate the dialogue on the PSB among all stakeholders and provide relevant expertise, lessons learned and best practices.
31. The European Parliament (EP) will continue to demand rigorously from the BiH authorities to ensure appropriate funding for PSB and appropriate legal and institutional framework for PSB. Moreover, the EP will continue to discuss the functioning of PSB in BiH with the European Commission.
32. Having in mind, that BiH has signed the Stabilization and Association Agreement with the European Union already in July 2008, and out of the sixteen requirements only the one, which is obliging the government to ensure financial and programme independence of PSB has not been achieved, it is suggested to EU respective bodies to include this requirement as an urgent obligation for the continuation of BiH further negotiations with the EU. This could be done through the *Chapter-specialis*, which already exists as a practice for the countries acquiring EU membership.
33. The coordination team will suggest to the European Parliament organization of a hearing at the European Parliament about the situation of PSB in BiH.
34. The European Commission and the European Parliament will continue to scrutinize the developments in the area of Public Service Broadcasting and respect of rule of law.

35. The EBU could offer peer-to-peer review in order to help complete reorganization and reform of the PSM responding to the new challenges and developments.

Coordination team

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Sarajevo