Decision on the Liquidation of the Public Enterprise Radio and Television of BiH

Recalling the Decision on Restructuring of the Public Broadcasting System in Bosnia and Herzegovina issued on 30 July 1999 by the High Representative (Official Gazette of BiH, no. 14/99) establishing the Public Broadcasting System in Bosnia and Herzegovina and anticipating the transfer of the entire property and obligations from the Public Enterprise Radio and Television of Bosnia and Herzegovina to the Broadcasters;

Bearing in mind that the restructuring process of the Public Broadcasting System, as well as the process of the property control transfer aiming for the establishment of economically and technically viable enterprises continues in accordance with the Second Decision of the High Representative on Restructuring of the Public Broadcasting System in Bosnia and Herzegovina, dated 23 October 2000 (Official Gazette of BiH, no. 28/00);

Considering that the Founding Board of the Public Broadcasting Service of Bosnia and Herzegovina passed Decision no. 4110 – 90/222 on 27 October 2001, thus beginning the liquidation process of Radio and Television of Bosnia and Herzegovina;

Noting that the Decision on the Liquidation Procedure to be Applied in the Winding-Up of the Public Enterprise Radio and Television of Bosnia and Herzegovina issued by the High Representative on 23 May 2002 (Official Gazette of BiH, no.13/02) determines inter alia the duties and responsibilities of the Liquidator of the Public Enterprise Radio and Television of Bosnia and Herzegovina;

Further noting that the Liquidator initiated the liquidation process by issuing the Court Registry Application no. 4110 – 639/786 on 24 September 2002;

Bearing in mind that the Law on Public Corporations regulating the issues related to the public corporations and the procedures to be applied in the liquidation process has not been adopted in Bosnia and Herzegovina;

Having taken all of the above mentioned into account, I hereby issue the following:

DECISION

on the Liquidation of the Public Enterprise Radio and Television of Bosnia and Herzegovina

1. Taking into account the basic criteria, which are maintenance of the functional unity of the existing production and broadcasting capacities and ensuring their full deployment in the public broadcasters, the property of the Public Enterprise Radio and Television of Bosnia and Herzegovina ("RTV BiH") shall be divided in the following way:

a. The property of the Public Broadcasting Service of Bosnia and Herzegovina ("PBS BIH") comprises:

1) All production capacities of the RTV BiH building, including the entire immovable and movable equipment, energy resources and infrastructure.

2) Real estate – city construction land located at cadaster municipality Dolac, Cadaster no. 4946, marked as plot numbers: 515 /4, 513/ 7, 499 / 5, 515 / 1, 515 / 7, 515 / 2, 515 / 5, 515 / 8, 515 / 17, 515 / 22, 515 / 18, 515 / 21, 523 / 3, 522/2, 522 / 7, 697 / 12, 697 / 32, 699 / 5, 467 / 116, 499 / 8, 499 / 9, 498 / 3, 524 / 6, 524 / 7, 524 / 8, 523 / 5, 514 / 5, 515 / 23, 515 / 24, 515 / 9, 524 / 1, and 524 / 9, which is 83,071.00 m^2 in total.

3) All premises, renovated or not, within the RTV BiH Building registered in cadaster municipality Dolac, Cadaster no. 4946, marked as plot numbers: 515 / 6, 523 / 1 and Cadaster no. 7414, marked as plot number 523 / 2, which is 48,718.50 m^2 in total.

4) IT Centres, with all their production, technical and mobile capacities, located at:

1. Tuzla, Mije Kerosevica 1

2. Mostar, Krpica 3

3. Bihac, Krupska bb

4. Zenica, Obalni bulevar 3

5. Orasje, Ulica III

5) Broadcasting facilities and transmission sites with the equipment for microwave links and the broadcasting equipment currently being used for television channel 1 of the Radio-Television of the Federation of Bosnia and Herzegovina ("RTV FBiH") and currently being used for BH Radio 1, and the MW transmitter with the land and facility based in Donje Mostre. A list of these transmission sites is attached hereto as Annex I and is an integral part of this Decision.

6) The terrestrial satellite station, as well as all the equipment for satellite broadcasting and European Broadcast Union exchange.

b. The property of RTV FBiH comprises the broadcasting equipment of the RTV FBiH Radio, FTV BiH Channel 2 and Radio 202 as specified and listed in Annex II, which is attached hereto and is an integral part of this Decision.

2. The estate to be liquidated amounts to 44,901,971.00 KM as recorded in the RTV BiH Balance Sheet of 30 November 2001, and shall be apportioned in the following manner:

I. PROPERTY & ASSETS	**RTV BiH**	**PBS BiH**	**RTV FBiH**
Fixed assets	39,724,340	39,587,889	136,451
Debt to be repaid by the employees	71,131	49,930	21,201
Raw material supplies, spare parts and stationery	1,709,750	1,709,750	
Assets for which advance payment has been made	89,777	35,610	54,167
Adjustments against internal transactions	363,636	363,636	
Adjustments against external transactions	831,121	989,397	-158,276
Debts to the Broadcaster that are the subject of court actions	717,315	515,613	201,702
Other receivables	710,820	710,820	
Program rights including depreciation	675,096	19,046	656,050
Cash	8,985	8,985	
TOTAL	44,901,971	43,990,676	911,295

II. CAPITAL & LIABILITIES	**RTV BiH**	**PBS BiH**	**RTV FBiH**
Capital	37,240,997	36,954,307	286,690
Long term loans	1,648,928	1,648,928	
Depreciation on donations	708,918	708,918	
Debts owed to suppliers	3,432,930	2,808,325	624,605
Other liabilities.	1,870,198	1,870,198	
TOTAL	44,901,971	43,990,679	911,295

3. Based on this Decision, PBS BiH shall be registered in the Land Registry as the bearer of both the ownership and the right of disposal in place of RTV BiH with regard to the real property marked as plot numbers: 515 / 4, 513/ 7, 499 / 5, 515 / 1, 515 / 7, 515 / 2, 515 / 5, 515 / 8, 515 / 17, 515 / 22, 515 / 18, 515 / 21, 523 / 3, 522/ 2, 522 / 7, 697 / 12, 697 / 32, 699 / 5, 467 / 116, 499 / 8, 499 / 9, 498 / 3, 524 / 6, 524 / 7, 524 / 8, 523 / 5, 514 / 5, 515 / 23, 515 / 24, 515 / 9, 524 / 1, and 524 / 9; 515 / 6, 523 / 1, and 523 /2 and recorded in Cadaster no. 4946 and 7414, cadaster municipality Dolac.

Also, PBS BiH shall, on its own behalf, continue with all legal and administrative procedures to determine property ownership and right of disposal which have already been initiated by the RTV BiH. PBS BiH may also initiate such processes in relation to other property that belonged to RTV BiH.

PBS BiH shall transfer its right of managing the property and technical resources to the Public Broadcasting System Media Centre. In addition, both PBS BiH and RTV FBiH shall transfer their rights of managing all the mentioned equipment and transmission sites for broadcasting and transmission of programmes to the Public Broadcasting System Transmission Corporation. These transfers shall occur on the date these organizations are established, and shall apply also to their legal successors.

4. Based on this Decision, RTV BiH shall be dissolved and erased from the Court Registry and any other Public Registries where it was registered.

5. Based on this Decision, PBS BiH shall announce the end of the liquidation process in the Official Gazette of Bosnia and Herzegovina, the Official Gazette of the Federation of Bosnia, the Official Gazette of Republic of Srpska, and the Official Gazette of the District of Brcko.

6. This Decision shall come into force forthwith and shall be published in the Official Gazette of Bosnia and Herzegovina, the Official Gazette of the Federation of Bosnia and Herzegovina, the Official Gazette of Republika Srpska and the Official Gazette of the District of Brcko.

Sarajevo, 4 June 2003

John Shearer
Broadcasting Agent of the High Representative,
Liquidator of the RTV BiH