Decision on the establishement of the Independent Media Commission

I, Carlos Westendorp, in my capacity as High Representative, hereby issue the following Decision acting under and with the authority of Annex 10 of the General Framework Agreement for Peace and Article V of the Conclusions of the Bonn Peace Implementation Conference 1997:

1. There is hereby established the Independent Media Commission.
2. The Independent Media Commission shall establish a regulatory regime for broadcasting and other media in Bosnia and Herzegovina and will create the appropriate structures to fulfill this obligation.
3. All broadcasters and other media shall be subject to Codes of Practice to be issued by the Independent Media Commission.
4. There will be established by the Independent Media Commission a licensing regime for broadcasters.
5. The Independent Media Commission shall have the function and responsibility to:
    I. license all broadcasters,
    II. draw up such Codes of Practice for broadcasters and other media as it considers appropriate,
    III. manage and assign spectrum for broadcasting purposes,
    IV. ensure adherence to license conditions and Codes of Practice,
    V. set license fees and
    VI. require the disclosure and provision of such information as is necessary for the due performance of its regulatory obligations.
6. In securing compliance with licenses and Codes of

Practice the Independent Media Commission may apply appropriate remedies including:

I. the requirement to publish an apology,
II. the issuance of warnings,
III. the making of orders,
IV. the imposition of financial penalties,
V. the suspension of license,
VI. the entry into premises,
VII. seizure of equipment,
VIII. the closedown of operations or
IX. the termination of License.

The Independent Media Commission may enlist the support and assistance of all law enforcement agencies in Bosnia and Herzegovina and will seek assistance from the Peace Stabilization Force or its successors.

7. The Independent Media Commission shall have a Council and a Director General both appointed by the High Representative.
8. There will be constituted an Enforcement Panel from amongst the members of the Council which shall include representatives from both entities which comprise Bosnia and Herzegovina as defined by the General Framework Agreement for Peace.
   The Enforcement Panel shall consider and determine grave and serious breaches of Codes and licences, save in circumstances when immediate action is required, and then the Director General shall take such decisions as are necessary.

9. The Independent Media Commission shall act in accordance with the principles of objectivity, transparency, non discrimination, and proportionality.
10. The following transitional arrangements shall come into effect.
    I. This Decision shall continue in effect until such time as Broadcasting and Media Laws are adopted

and the High Representative has reviewed all issues.

II. The management and assignment of broadcasting spectrum by the Independent Media Commission, as set out above at 5 iii, shall continue until such time as the Telecommunications Law of Bosnia and Herzegovina is adopted and the High Representative has reviewed, within a period of six months, all spectrum issues.

III. Until such time as the Independent Media Commission assigns broadcasting frequencies, a moratorium is hereby declared on the issuing of any new frequencies for broadcasting purposes.

Carlos Westendorp,
High Representative

Office of the High Representative