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LAW ON PUBLIC BROADCASTING SERVICE OF REPUBLIKA SRPSKA

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LAW ON PUBLIC BROADCASTING SERVICE OF REPUBLIKA SRPSKA

Scope of the Law

Article 1

(1) This Law shall regulate the Public Broadcasting Service of Republika Srpska (hereinafter: RTRS).

(2) For issues not regulated by this Law regarding the registration, organization, business operation and activity of the RTRS, the existing regulations on public enterprises, enterprises, registration of businesses and other corresponding regulations shall apply, unless they are contrary to this Law or to the Law on the Public Broadcasting System of Bosnia and Herzegovina.

Definitions

Article 2

(1) Definitions in this Law shall have the following meaning:

"Advertising" means any public announcement in return for payment or similar consideration or for self-promotional purposes, including sponsorship, which is intended to promote, sale, purchase or rent a product or service, to advance a cause or idea, or to bring about some other effect desired by the advertiser or the broadcaster itself;

"Net advertising income" means total income made from selling radio, TV and multi – medial advertising, less the agreed commission that belongs to the Corporation within which the sales house exists;

"Public RTV service" means the natural or legal person who has editorial responsibility for the preparation of radio and television program services for reception by the general public;

"European programs" mean creative works, the production or co-production of which is controlled by European natural or legal persons;

"Sponsorship" means the participation of a natural or legal person, who is not engaged in broadcasting activities or in the production of audiovisual works, in the direct or indirect financing of a program with a view to promoting the name, trademark, activities or achievements of that person;

"Transmission" means the initial emission by terrestrial, cable or satellite transmitter, in encoded or un-encoded form, of a radio or television program service for reception by the general public;

"Virtual advertising" means the use of electronic systems that partially change the television signal by adding an advertisement to the television picture that actually does not exist on the spot from which the signal is being transmitted;

“**Re-broadcast**” is a time delayed broadcast, through terrestrial, cable and satellite transmitter, in encoded or un-encoded form, of a radio or TV service for reception by the general public;

“**Teleshopping**” means teleshopping clips selling certain products by transmission of a TV signal, the duration of which is defined by the principles of the European Convention on transfrontier TV;

“**RTV fee**” is a tax for the possession of the radio or television receiver in household or by the legal entity;

“**System License**” - individual licenses of the three public broadcasting services make up the System License;

“**System Board**” is a body consisting of all members of the Boards of Governors of the public broadcasting services as provided for by the Law on the Public Broadcasting System of Bosnia and Herzegovina (hereinafter: PBS BiH).

Registration Article 3

(1) Radio-television of Republika Srpska shall be registered as a public enterprise registered into the court register with the competent court. Data as regulated by the applicable regulations on registration of businesses shall be entered into the court register, to the extent applicable to RTRS, in particular the following:

- a) Company and its seat;
- b) Activities;
- c) Responsibility in domestic legal transactions;
- d) Responsibility in foreign trade legal transactions, and
- e) Names of persons authorized to represent it.

Article 4

(1) The founder of the Radio-television of Republika Srpska shall be Republika Srpska.

(2) The rights and obligations in respect of RTRS shall be exercised by the National Assembly of Republika Srpska in compliance with this Law and the Law on the Public Broadcasting System of Bosnia and Herzegovina.

Title of the Company and Seat Article 5

(1) The name of the public company shall be: “Radio and Television of Republika Srpska”.

(2) An abbreviated title of the public company shall be “RTRS”

(3) The seat of the RTRS shall be in Banja Luka.

(4) The names of the public company RTRS and the Public Broadcasting System JRTS BiH must be displayed on a building housing the head office of RTRS, written in the languages in the official use in Bosnia and Herzegovina, in Latin and Cyrillic alphabets.

Legal Status

Article 6

(1) RTRS shall be a legal person and shall be entitled to acquire rights and make commitments in legal transactions, to own movable and immovable property and to be a party before courts, other state authorities and bodies with public powers.

(2) RTRS shall be responsible for its liabilities with all its assets.

Purpose of the RTRS

Article 7

The principal responsibility of the RTRS is to accurately inform the public about political, economic, social, health, cultural, educational, scientific, religious, ecological, sport and other events, support democratic processes, ensure an adequate proportion of impartial news and programmes on current events in prime time and other times, of news, cultural, artistic, educational, children's, sports, and entertainment programming as well as to ensure the highest quality programming is available to the public of Republika Srpska, by presenting diverse and factual information.

Independence

Article 8

(1) RTRS shall be independent in its operations and shall have editorial independence and institutional autonomy especially in areas such as:

- a) Determining the program schedule;
- b) The conception and production of programmes;
- v) Editing and presentation of news and current affairs programmes;
- g) Usage and disposal of assets;
- d) Employment practices and rights and obligations of employees;
- e) Organisation of the activities and internal structure;
- ž) Preparation and realization of the budget;
- z) Negotiation, preparation and signing of legal documents concerning the functioning of the RTRS;

- i) Representing broadcasting services in legal procedures; and
- k) Purchasing, renting, selling and usage of goods and services.

PBS of Bosnia and Herzegovina

Article 9

Public Broadcasting Service of Republika Srpska, as public RTV service of Republika Srpska, shall constitute the part of the Public Broadcasting System of Bosnia and Herzegovina in which the relationships between the public services shall be regulated by the Law on the public Broadcasting System of Bosnia and Herzegovina.

Cooperation with other Broadcasters

Article 10

RTRS shall cooperate with other broadcasters in order to ensure production of programming of highest quality and make it available for the general public of Republika Srpska.

Communications Regulatory Agency

Article 11

RTRS shall be required to comply with the rules and regulations of the Communications Regulatory Agency unless they are contrary to the Law on the Public Broadcasting System of Bosnia and Herzegovina. RTRS shall be subject to all existing sanctions for noncompliance with the rules and regulations of the Regulatory Agency and the requirements of the System/Service license or the programming principles, except suspension and dissolution. The Agency shall be paid by RTRS an appropriate administrative fee for the costs of license issuing, in accordance with the applicable regulations.

Statute

Article 12

(1) RTRS shall have a Statute that shall determine its internal organization, powers and the manner in which individual bodies shall take decisions and shall regulate other issues of importance for operations and transactions of RTRS.

(2) RTRS shall have other enactments in accordance with the law and Statute.

(3) The Statute shall be published in the “Official Gazette of Republika Srpska”.

Programming Principles

Article 13

(1) The RTRS programming shall serve the public interest and shall be in accordance with professional standards and the rules and regulations of the Communication Regulatory Agency. The RTRS shall be obliged to ensure diverse and balanced radio and television programs that meet high standards of ethics and quality, that show

respect for human life, dignity and the physical integrity of persons, and that foster democratic freedoms, social justice and international understanding and peace.

(2) The RTRS programming shall include information, culture, education, entertainment and sports.

(3) The RTRS programs shall recognize ethnic, regional, traditional, religious, cultural, linguistic and other specific features of the constituent peoples and all citizens of Bosnia and Herzegovina. The RTRS programs shall also affirm cultural and other needs of national minorities in Bosnia and Herzegovina.

(4) The RTRS programs shall recognize the rights of the constituent peoples and BiH citizens and Others in Republika Srpska and shall be equally edited in the three official languages and two alphabets.

(5) In the production of its own programs and programs made in co-production, RTRS shall ensure equal representation of the content that matches the traditional heritage of all three peoples and adequate representation of Others.

(6) RTRS shall produce and edit programs in accordance with the highest professional criteria and with respect for artistic and creative freedoms, independent of the opinions of governmental bodies, political parties and other interest groups.

(7) In accordance with its editorial guidelines, RTRS shall have the right to broadcast sessions or parts of sessions of the National Assembly of Republika Srpska, i.e. RTRS shall have the obligation to inform the public on parliamentary activities in other convenient manner. For that purpose, RTRS shall have free access to the sessions of the National Assembly.

(8) RTRS shall be obliged to present its annual program plans and reports on the realization of such plans to the National Assembly of Republika Srpska and public. Everyone shall have the right to submit to RTRS their program-related objections and proposals.

(9) RTRS shall submit their activity reports to the National Assembly of Republika Srpska once a year, including financial reports together with the financial operations audit report.

Realization of Programming Principles

Article 14

(1) In the realization of fundamental programming principles, RTRS shall in particular do as follows:

- a) Inform the public in a truthful, complete, impartial and timely manner of political, economic, educational, scientific, religious, cultural, sport and other events in the country and abroad;
- b) Ensure an open and free discussion on issues of public interest, taking into account representation of all interests and preferences;
- v) Respect and promote pluralism of political, religious and other ideas;

- g) Treat impartially all political, economic, educational, scientific, religious, cultural and other issues in order to enable equal presentation of different viewpoints with a view to fostering democratic spirit, mutual understanding and tolerance;
- d) Foster and develop all forms of creative capacities that contribute to the development of culture, art and entertainment;
- e) Contribute to the respect for and promotion of basic human rights and freedoms, democratic values and institutions, and improvement of the public dialogue culture;
- ž) Respect privacy, dignity, reputation and honor of a human being and basic right of others, especially children and youth.

(2) RTRS shall undertake to adjust watching of and listening to information, cultural, educational and entertainment program to persons with hearing problems and other persons with special needs.

(3) RTRS shall respect code of programming in public broadcasting system in Bosnia and Herzegovina, which governs fundamental principles of editorial policy in line with the highest professional standards.

(4) News shall be unbiased, independent and correct. Before dissemination, information material comprising the news must be examined with reasonable care, depending on the circumstances, as to its content, origin and truth. Comments shall be clearly distinguished from the news.

Programming Restrictions

Article 15

(1) RTRS shall not broadcast any material which by its content or tone incites national, ethnic, religious or racial hatred, intolerance or discrimination against individuals or groups, or which by any reasonable judgment could incite violence, disorder or rioting or could encourage crime or criminal activity.

(2) RTRS shall not violate general community standards of decency and civility in its programme content and scheduling, taking particular care to protect the psychophysical development of children.

(3) RTRS shall not broadcast any material that it knows to be false, or if reasonable grounds exist to assume that it is false.

(4) RTRS shall not broadcast programs of immoral and pornographic contents.

(5) RTRS shall not in its programs in any way encourage citizens, especially children and youth, to consume tobacco products, alcohol or drugs.

(6) Programs which obviously damage physical, mental or moral development of children and youth shall not be aired at a time when they would probably watch them given the time they are broadcast. The broadcasting of such content shall have to be signaled with a clear warning.

(7) It shall be forbidden to broadcast programs that may seriously put at stake physical, mental or moral development of under aged persons, especially programs that contain pornography and unnecessary violence.

(8) It shall be forbidden to use some technical means to transfer certain messages or make influence on viewers/listeners without their knowledge and without them being aware of it.

(9) Except advertising, RTRS shall not broadcast any messages, programs or other contents for whose broadcasting it obtain any counter value, including, but not limited to, money, commercial worthy programming rights, property, services or products.

Program Input Article 16

(1) Wherever possible and using appropriate funds, RTRS shall ensure that the stations reserve most of their time for broadcasting European audiovisual works in their programs, exclusive of broadcast time for news, sports events, entertainment, advertising and teletext and teleshopping services.

(2) RTRS shall reserve at least forty percent (40%) of its broadcast time for domestically produced programs across all genres, exclusive of news and sports programs.

(3) RTRS must commission programs from independent producers and/or commercial broadcasters to fill at least ten percent (10%) of its broadcast time, exclusive of news, sports programs and commercials.

(4) RTRS shall be obliged to achieve the percentage from Paragraphs (2) and (3) of this Article within two (2) years of the entry into force of the Law on Public Broadcasting System of Bosnia and Herzegovina.

Activities Article 17

(1) Activities of RTRS shall be the following:

- a) Commissioning, preparation, production, transmission and broadcasting of its own radio and television programs and multimedia contents;
- b) Storage and usage of sound and video recordings' archives;
- v) Organization of cultural, musical and other events;
- g) Publication and distribution of any printed matter related to its programming or to questions of broadcasting in general;
- d) Survey of the public opinion, media market, marketing and advertising services; and
- e) Providing teletext services and activities related to other fields of broadcasting technology.

2) Through the Joint Legal Entity, the Corporation, RTRS shall participate in the following:

- a) Acquiring foreign programming;
- b) Introducing and using new technologies in the field of broadcasting;
- v) Exchanging and participating in joint technical and other technological projects with other public broadcasting services;
- g) Other activities in accordance with this Law.

(3) Subject to compliance with the System License, and the approval of the Regulatory Agency, RTRS may provide additional program services, regardless of the method of delivery (e.g. on-line) or the mode of funding (e.g. pay-TV).

(4) The Statute may specify additional activities, provided that such activities are not inconsistent with the core activities as stipulated by this Law.

Constitutional representation **Article 18**

RTRS shall, in its operations and its staff structure, implement the relevant constitutional provisions regarding the equal rights of constituent peoples and Others in Republika Srpska.

Status of Employees **Article 19**

Applicable labor provisions and the Statute as a basic act shall be applied to the legal status of employees in RTRS, to employment contracts' terms, salaries and other issues.

Frequencies **Article 20**

Activity of RTRS shall be exercised by production and broadcasting of programs on one radio and one television network, on its own frequencies for the territory of Republika Srpska.

Method of Programme Transmission **Article 21**

(1) RTRS shall be authorized to transmit programmes via terrestrial networks, satellites, cable, Internet or any other technical means. It may provide teletext services and engage in any new field of broadcasting technology or service.

(2) Requests for expansion of the services or additional channels shall be filed with the Communication Regulatory Agency in accordance with the procedure specified in the Law on the Public Broadcasting System of Bosnia and Herzegovina.

Establishment of Regional RTV Centers and Correspondent Offices **Article 22**

RTRS shall, in accordance with the Statute, establish regional radio and television information and technical centers and correspondent offices.

Corporation of the Public Broadcasting Services of BH

Article 23

(1) RTRS, together with the Public Broadcasting Service of Bosnia and Herzegovina and Public Broadcasting Service of the Federation of Bosnia and Herzegovina, shall establish the Corporation of Public Broadcasting Services of BiH. The Corporation of Public Broadcasting Services shall be a jointly run structure amongst the public broadcasting services with equal rights and obligations towards all three public broadcasting services.

(2) The Corporation of Public Broadcasting Services shall manage the spatial, production and technical resources of RTRS, in accordance with the Law on Public Broadcasting System.

Membership in International Organizations

Article 24

The interests of RTRS in international broadcasting organizations and associations shall be represented by the Corporation of the Public RTV Services of Bosnia and Herzegovina.

Archives

Article 25

(1) RTRS shall hold all rights to the archive materials it possesses and shall be obliged to take good care of them as these materials are culturally and historically invaluable and represent a common good of the citizens.

(2) RTRS shall hold all rights to new intellectual property that RTRS adds up to the archive materials.

(3) RTRS shall have access to archive materials of BiH Radio-television and Radio-television of the FBiH and vice versa.

(4) The Corporation shall manage the preservation, processing and use of all archive materials in accordance with applicable laws, and RTRS and the Corporation shall enter into an agreement on managing the said.

Obligation to Preserve Recordings

Article 26

(1) RTRS shall be obliged to organize the preservation and processing of all audio and visual recordings used in programs.

(2) Recordings of all broadcasts must be preserved for not less than six (6) weeks from the date of their transmission. If requested by the Agency, or if court proceedings or any other dispute has been initiated, the RTRS shall be obliged to

preserve the relevant recordings for the requested period of time, that is, until the adoption of a final decision.

Broadcast for Third Parties **Article 27**

(1) RTRS shall broadcast, without delay and free of charge, information from bodies of authority, the announcement of which requires urgency such as information regarding danger to life and health, the endangerment of property, security or public peace and order. RTRS shall not be responsible for the contents of the information that is broadcasts in accordance with this Article.

(2) Details regarding broadcasts for other third parties shall be regulated by the RTRS statute.

Minimum Service Requirements **Article 28**

(1) In the event of a strike of employees, minimum service broadcasting of RTRS must not be put at risk.

(2) The Director General shall, after consultation with a major trade union's representative, choose individuals from the RTRS staff who will perform minimum service broadcasting defined under paragraph (1) of this Article.

(3) If the staff chosen to perform the minimum service broadcasting refuses to work as required by this Article, the Director General may hire employees who are not members of the union as well as persons not employed in the RTRS to fulfill these duties.

Advertising Principles **Article 29**

(1) Commercials shall be clearly identifiable as such and clearly separated from other programs by visual and acoustic means.

(2) The person or organization placing an advertisement may not influence the program concept, content or editorial policy of the RTRS.

(3) RTRS shall be entitled to refuse to broadcast an advertisement the contents of which are in contravention of programming principles defined herein or other rules and regulations governing public advertising.

(4) Persons regularly presenting news and current affairs programs may not participate in the process of preparation, production or broadcast of advertisements.

(5) Indirect and subliminal advertising shall not be allowed.

(6) Television advertising and teleshopping shall not:

- a) damage the respect for human dignity;
- b) contain discrimination based on race, sex and ethnicity;
- v) be offensive to religion and political beliefs;
- g) encourage actions that may put at stake health and security;
- d) encourage actions that may put at stake environmental protection.

(7) TV advertising shall not cause moral and physical damage for under aged persons, and shall not directly encourage under aged persons to buy products and services abusing their inexperience and credulity.

(8) TV advertising and teleshopping of alcoholic drinks must not be directed to under aged persons, and it must not create the impression that their consumption improves physical activities, contributes to social and sexual success or to solving personal problems, or that it has curable effect.

Advertising in Election Campaigns **Article 30**

(1) The broadcasting of propaganda messages of political parties and candidates shall not be allowed, except during official election campaigns, in accordance with the Election Law of Bosnia and Herzegovina and pursuant to the rules and regulations of the Election Commission of Bosnia and Herzegovina.

(2) During the election campaign the RTRS shall be obliged to allow political parties and candidates to present their election programs under equal terms. Radio and television must allocate a portion of their programming schedule for the presentation of candidates, political parties and their programs free of charge.

Virtual Advertising **Article 31**

(1) Virtual advertising shall be allowed if the organizer of an event has given his prior consent and if TV viewers have been notified about virtual advertising in the specific case.

(2) A virtual advertisement may be inserted only in places usually used for advertising but may not be more prominent than other advertisements in such places, and may not appear on persons or their clothes or equipment.

Sponsorship **Article 32**

(1) Sponsorship of news and current affairs programs shall not be allowed.

(2) All sponsored programs must be clearly distinguished as such.

(3) Any influence of a sponsor on the contents of a program shall not be allowed.

(4) RTRS may not accept sponsorship of programs by companies producing or selling cigarettes and other tobacco products.

(5) RTRS may not accept program sponsorship by companies producing or selling medical products or treatment items, but may promote the name or the image of the company, without promoting specific traits of medical products or treatments that are available only on medical doctors' prescription.

Protection of Intellectual Property Article 33

(1) RTRS shall ensure full implementation of the laws governing the protection of copy and related rights and intellectual property, and in doing so comply with the highest international standards.

(2) RTRS shall be obliged to determine the annual budget for the purpose of fees for copyright and associated rights.

Right of Reply Article 34

(1) Any person whose legal rights are affected, whose honor and reputation are harmed by a statement of fact broadcasted in programs of the RTRS shall be entitled to give a reply, within fifteen (15) days of the broadcasted statement.

(2) Replies shall be submitted to the RTRS in written form and reduced to facts. Each reply must be signed by the party concerned or by his or the party's representative.

(3) RTRS have the right to remove any defamatory or criminal content from the reply, complying with the content thereof, as well as to shorten it or refuse to broadcast it if it is unrelated to the broadcasted statement.

(4) If the reply is related to the daily news program, the RTRS shall be obliged to broadcast it, free of charge, not later than three (3) days from the receipt thereof, in the manner and at the time when the information to which the reply refers was broadcast. If the reply is related to periodic programming it must be broadcast free of charge, in the first following program.

(5) If RTRS fails to broadcast the reply or fails to do it in an appropriate manner, the person referred to in paragraph (1) of this Article shall be entitled to file a complaint with the RTRS Board of Governors within eight (8) days of the date when the deadline to broadcast the reply expired.

(6) If the person who filed a complaint is not satisfied with a decision of the Board of Governors, he/she shall be entitled to request court protection in civil proceedings within fifteen (15) days of the date of receipt of a written decision, or within thirty (30) days of the date when the complaint was filed, if no decision was taken or if it was not delivered to him/her.

(7) RTRS may refuse to broadcast the reply if the person concerned has no legal interest in its dissemination or if the request for a reply was not submitted in a timely manner.

(8) RTRS shall have the right to refuse to broadcast a complaint if the reply is longer than original material, when is not related to the original material and when it is unlawful to the protected third party.

(9) Right of reply shall be available only in such cases of violated rights of individuals including those from the Defamation Law.

Corrections Article 35

The procedures laid down with regard to the Right of Reply shall also be applied to requests for the correction of false statements of fact.

Confidentiality of Sources Article 36

(1) The confidentiality of sources of information shall be guaranteed.

(2) Disclosure of a source of information and discovered facts can be required from a journalist only by the court, when it is necessary to prevent serious crimes.

Access to and Broadcast of Events Article 37

(1) RTRS shall have access to public, cultural, sporting and other events for the purpose of informing the widest public. The duration of reports transmitted without any payment shall not exceed the duration necessary to inform about the event in terms of news.

(2) In their regularly scheduled news programs, the RTRS shall be entitled to quote, free of charge, from transmissions of other broadcasters, provided that they concern the events referred to in paragraph (1) of this Article. Duration of the quote shall not exceed ninety (90) seconds and the source of the quote shall be duly indicated.

(3) In relation to the RTRS programming, all broadcasters shall have the right referred to in paragraph (2) of this Article under the same conditions.

Funding of Regular Operations Article 38

(1) Regular operations of RTRS shall be primarily financed from the following sources:

- a) Radio and television tax (hereinafter referred to: RTV fee),
- b) Marketing.

(2) RTRS shall directly apply the provisions of the Law on the Public Broadcasting System of BiH pertaining to RTV fee, determining the amount of the RTV fee, method of collection and distribution of income collected between the public services.

(3) RTRS may generate revenues on the basis of its own activities, including commercialization of copyrights and related rights, production and sale of audio and visual works, rendering teletext services and other services.

Method of Collection

Article 39

RTRS shall collect the RTV fee in the territory of Republika Srpska. It may collect the RTV fee through its own service, or assign that task to other legal entities on a contractual basis, (e.g., public companies, agencies, etc.).

Financing responsibility

Article 40

(1) The Director General shall prepare a financial plan for the next year to be delivered to the Board of Governors for adoption at the latest by November 1 of the current year.

(2) The Director General shall submit a report on business operations for the previous year to be delivered to the Board of Governors at the latest by February 28 every year.

(3) RTRS must ensure that its total revenues shall cover its total expenditures in any financial year.

Audit Obligation

Article 41

(1) An annual audit of the business operations of RTRS shall be required to be done by an independent auditing company.

(2) The audit shall be carried out in accordance with the methodology and under the supervision defined by the Supreme Audit Institution for Auditing of the Public Sector of Republika Srpska.

Valid Document

Article 42

Accounts or excerpts from business records of RTRS relating to claims of RTV fee represent a valid document in terms of the Law on Enforcement Procedure.

Bodies of RTRS

Article 43

(1) The bodies of RTRS shall be the following:

- a) Board of Governors;
- b) Management Board.

(2) The Management Board, which consists of the Director General and Heads of RTRS Departments, shall manage the RTRS's work.

(3) RTRS must ensure compensations for the members of their respective Board of Governors of RTRS, including also compensations for the work in the System Board.

Board of Governors Article 44

The Board of Governors shall represent and protect the interests of the public with regard to radio and television programming, shall supervise the entire operation as well as the use and management of the RTRS property.

Composition of the Board of Governors Article 45

(1) The Board of Governors shall consist of four (4) members.

(2) The members of the Board of Governors may only be citizens of Bosnia and Herzegovina, i.e. citizens of Republiks Srpska with permanent residence in Republika Srpska.

(3) The Board of Governors shall consist of four (4) members, one from among each of the constituent peoples of BiH and Others.

(4) Members of the Board of Governors shall be independent in their work and shall not take instructions from their appointing authority.

(5) The term of office of the members of the Board of Governors shall be four (4) years, and may not be renewed.

(6) The member of the Board of Governors serving the final year of his/her four-year term shall chair the Board of Governors during that year.

(7) The Board of Governors shall pass its own Rules of Procedure.

Selection, Appointment and Dismissal of the Board of Governors Article 46

(1) National Assembly of Republika Srpska shall appoint members of the Board of Governors from a ranking list of short-listed candidates provided to it by the Communication Regulatory Agency, within thirty (30) days from the presentation of such a short-list.

(2) The Communication Regulatory Agency shall, in determining the list of candidates, apply the standards and deadlines described by the Law on Ministerial, Council of Ministers and Other Appointments of Bosnia and Herzegovina.

(3) The Communication Regulatory Agency shall start the procedure to compile a ranking-list of short-listed candidates four (4) months prior to the expiry of the term of office of the members of the Board of Governors.

(4) The following individuals may not be appointed as members of the Board of Governors:

- a) Office holders in legislative, executive and judicial structures, at any level of government;
- b) Members of political party organs, at any level of organization;
- v) Employees of RTRS, RTFBiH and BiHRT, and the Corporation;
- g) Employees in other companies carrying out activities of radio or television broadcasting, including agencies collecting RTV fee, members of their governing and supervisory bodies, or persons who carry out businesses that may cause a conflict of interest.

(5) National Assembly of Republika Srpska shall be authorized to make a decision on dismissal of the Board of Governor's member if the member himself/herself asks to be dismissed, if s/he fails to attend the session without justification three times, or if s/he does not participate in the work of the Board of Governors for three months.

(6) National Assembly of Republika Srpska shall also be authorized to make a decision on dismissal of a member of the Board of Governors upon recommendation of the Communication Regulatory Agency where the said member has failed to comply with the requirements from the System License and/or RTRS License.

Fee for the work of members of the Board of Governors **Article 47**

The members of the Board of Governors shall be obliged to work no less than 5 (five) days a month in the Board of Governors. The Statute shall in further detail define the manner and scope of work. For their work, they shall be entitled to a fee for their work in the amount of 3 minimum wages in Republika Srpska as well as reimbursement of reasonable travel and material expenses in accordance with the applicable acts of RTRS.

Competence of the Board of Governors **Article 48**

(1) The Board of Governors shall be responsible for:

- a) Adopting the programming policy of the radio and television;
- b) Adopting the Statute and other general enactments;
- v) Deciding on the management of assets, in accordance with the Law and the Statute;
- g) Deciding on investments for the development of RTFBiH, in accordance with the Law and the Statute;
- d) Adopting the financial plan and annual financial reports and periodical accounts;
- e) Approving the annual budget;

- ž) Presenting the annual financial plans and program plans and the reports on the realization thereof to National Assembly of Republika Srpska and the public;
- z) Appointing and dismissing the Director General and making the contract with the Director General;
- i) Deciding on the name and logo of the radio and television;
- k) Giving approval for the appointment of the officeholders at the highest programming positions;
- l) Increase of coverage of Republika Srpska territory with RTRS signal;
- m) Monitoring and controlling the legality and the success of the activities of RTRS;
- n) Ensuring the delivery of the requirements of the System License;
- o) Adopting programming plans for radio and television;
- p) Performing other duties, in accordance with the Law and the Statute.

Quorum and Decision-Making of the Board of Governors **Article 49**

- (1) The Board of Governors may fully decide if its session is attended by at least three (3) members (quorum).
- (2) The Board of Governors shall make decisions by a majority of votes of the total number of present members, and in the vent of equal number of votes, the vote of the Chair shall decide.
- (3) The appointment and dismissal of the Director General, adopting the statute, the programming plans of radio and television, as well as the adoption of the financial plans and annual budgets shall require the votes of at least three members of the Board of Governors.

Advisory Bodies **Article 50**

- (1) The Board of Governors may establish advisory bodies for the purpose of considering of and advising on various aspects of the activities of RTRS.
- (2) In order to represent and protect the interest of the public more comprehensively in the RTRS programs and improvement of overall radio and television programs of RTRS, the Board of Governors, as an advisory body, shall be bound to establish a programming council of RTRS.
- (3) Programming council shall comprise of eleven (11) members, who shall be selected, on the basis of public competition from the representatives of various social groups (youth, pensioners, employers, trade unions, national minorities, religious communities, university, civil society associations, etc), from the list proposed by the Board of Governors, by the National Assembly of Republika Srpska, in compliance with the limitations that apply to selection of the member of the Board of Governors.
- (4) The Board of Governors shall be bound to establish the programming council within ninety (90) days from the day it assumes the office. National Assembly of Republika Srpska shall appoint and dismiss the members of the programming council

of RTRS, in the manner in which the members of the Board of Governors are elected within thirty (30) days from the day of delivering the list of candidates by the Board of Governors.

(5) Programming council shall exercise its advisory role particularly in:

- a) Adoption of the programming policy of RTRS;
- b) Presentation of the annual financial plans and program plans and the reports on the realization thereof to National Assembly of Republika Srpska and the public;
- v) Adoption programming plans of RTRS;
- g) Appointment of the senior managerial staff of RTRS.

(6) All other issues regulating the selection, formation, method of work of the programming council and exercise of its advisory role shall be regulated by the Statute of RTRS and by the Rules of Procedure of the Programming council.

Appointment and Mandate of the Director General **Article 51**

(1) The Board of Governors shall appoint the Director General on the basis of a public announcement.

(2) The mandate of the Director General shall be five (5) years and his term may be renewed only once.

(3) The Director General shall be a national of Bosnia and Herzegovina and Republika Srpska with permanent residence in Republika Srpska and shall meet all the conditions as stipulated in the Statute.

(4) The Director General may not be a person who holds any executive, legislative or judicial office at any level of authorities in Bosnia and Herzegovina, or who owns or co-owns any company involved with radio or television broadcasting or whose function is incompatible with the Law on Conflict of Interests.

Competence of the Director General **Article 52**

(1) The Director General shall:

- a) represent and act for RTRS and be responsible for the implementation of the Board of Governors' decisions;
- b) manage the operations of RTRS and be responsible for the legality of operations of RTRS;
- v) be responsible for entire business operation in accordance with the Statute;
- g) be responsible for compliance with the determined programming guidelines and principles set out by law;
- d) ensure the development of annual financial plan and budget for RTRS, in co-operation with the Director General of the Corporation;

- e) be responsible for delivering the requirements of the System License and the RTFBiH License;
- ž) appoint senior managerial staff, according to the highest professional criteria and in the manner established in the Statute;
- z) ensure satisfactory quality and coverage of Republika Srpska territory with RTRS signal;
- i) ensure co-operation and co-ordination with the Directors General of public broadcasting services and of the Corporation;
- k) perform other activities in accordance with the law and the Statute.

Dismissal of the Director General **Article 53**

(1) The Board of Governors shall be bound to dismiss the Director General in the following cases:

- a) if the Director General himself or herself requests to be dismissed in accordance with the Contract on Employment;
- b) if such reasons arise which, according to special regulations or regulations on employment arrangements, lead to the termination of the Contract on Employment.

(2) The Board of Governors may dismiss the Director General if it determines that the Director General has failed to perform his/her duties in accordance with the Law, the System License, the RTRS License, the Statute, the general acts of RTRS or his/her Contract on Employment.

(3) In the case of the dismissal of the Director General, the Board of Governors shall be obliged to appoint an Acting Director General immediately and a new Director General within the period of sixty (60) days.

Termination of RTRS **Article 54**

(1) The Decision on the termination of RTRS may only be made in the form of a law.

(2) The Law on the Termination of RTRS shall specify the procedure of termination and manner of distribution of property.

Transitional and Final Provisions **Article 55**

(1) The mandate of the existing RTRS Board of Governors shall continue until such time as the Board of Governors has been established in accordance with this Law.

(2) Upon entry into force of this Law, within thirty (30) days the Communication Regulatory Agency shall prepare a short-list of candidates, whereas within sixty (60) days National Assembly of Republika Srpska shall appoint all the members of the first RTRS Board of Governors consistent with the provisions of this Law.

(3) The inaugural session of the first Board of Governors of RTRS shall be convened within fifteen (15) days from the appointment of all members. The Board of Governors is obligated to adopt the Statute, appoint the Director General and ensure registration within sixty (60) days from the inauguration.

(4) The term of office for members of the Board of Governors shall be four (4) years, however when the Board is initially constituted, the members shall be appointed as follows:

- a) one (1) member appointed for four (4) years;
- b) one (1) member appointed for three (3) years;
- c) one (1) member appointed for two (2) years; and
- d) one (1) member for one year appointed from amongst members of the existing Board of Governors of the RTRS.

(5) The member appointed for three (3) years shall remain in office as Chair for the period of a three-year term of office.

(6) After the end of the period provided in paragraph (5) of this Article, the office of Chair shall be rotated amongst the members of the Board of Governors in accordance with Article 44, paragraph (6) of this Law.

Entry into Force and Publication

Article 56

(1) By entry into force of this Law, the Law on the Radio-Television of Republika Srpska ("Official Gazette of RS" No. 22/03) and other regulations governing the RTRS, shall become be repealed.

(2) This Law shall enter into force eight days after its publication in the "Official Gazette of Republika Srpska".