

Politicisation of CRA Decision Unnecessary



Comments from senior RS politicians and representatives on the Communications Regulatory Agency (CRA) decision to fine Radio Television Republika Srpska (RTRS) represent undue meddling in the work of these two institutions.

If RTRS is independent of the RS Government then there is no need for politicians to comment on the CRA's decision to fine RTRS.

The CRA was acting in accordance with the law and its mandate when it determined that the RTRS was illegally using the frequency spectrum for its digital broadcast. The CRA found RTRS in violation of both the BiH Law on Telecommunications and the BiH *'Strategy for Switchover from Analogue to Digital Terrestrial Radio Broadcasting,'* adopted by the Council of Ministers on 17 June 2009.

In a letter to the OHR dated 17 December 2009 RTRS General Manager Dragan Davidovic confirms that the CRA did not allocate a frequency for the RTRS digital broadcast and notes that he sees European standards in broadcasting more important than, as Davidovic put it, "the so called rule of law". The rule of law and independence of regulatory agencies are clear European requirements, as is specified in the SAA and the European Partnership.

OHR notes that RTRS's General manager Davidovic has announced that RTRS will appeal the CRA's Decision. Under the BiH Communications Law, CRA Decisions may be appealed to the CRA Council, and if the parties are still not satisfied, to the

Court of BiH for a final decision.

RTRS's decision to use the appeal process is an indication that RTRS accepts the competence of the CRA Council and the Court of BiH to issue final and binding decisions in broadcasting in BiH. OHR expects all political representatives will also respect decisions issued by the competent institutions. Political leaders must refrain from politicising technical and legal issues, thereby respecting the basic division of competencies that is the mark of any European democracy.