Second Decision on restructuring the Public Broadcasting System in BIH

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In the exercise of the powers vested in me by Article 5 of Annex 10 to the General Agreement for Peace (hereafter: GFAP), according to which the High Representative is the final authority in theater regarding interpretation of his mandate; and considering in particular Art. II.1.(d) of the same Agreement, in terms of which the High Representative shall have the power to facilitate, as he judges necessary, the resolution of any difficulties arising in connection with civilian implementation; recalling the interpretation of such a power given in paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn the 10 December 1997, particularly sub-paragraph (b) thereof, in terms of which the High Representative is entitled to make binding decisions, as he judges necessary, on the adoption of measures aiming at ensuring implementation of the GFAP throughout Bosnia and Herzegovina (hereafter: BiH), including interim measures to take effect when parties are unable to reach agreement;

Considering that, subject to the responsibility of the institutions of Bosnia and Herzegovina for the allocation of frequencies for broadcasting purposes as specified by the Telecommunications Law of Bosnia and Herzegovina, Art. III.1.(h) of Annex 4, and Art. 3 of Annex 9 to the General Framework Agreement for Peace in Bosnia and Herzegovina clearly establish the possibility for the institutions of both Bosnia and Herzegovina and the Entities to establish and operate, individually or jointly, communication facilities in the form of public radio/television companies;

Bearing in mind the exhortations of the Peace Implementation Council (hereafter: PIC) in Paragraph 63 of the Luxembourg Declaration of 9 June 1998, drawing the partiesą attention to the importance of a Public Broadcasting System in Bosnia and Herzegovina and urging them, in order to achieve such an objective, to cooperate with the High Representative in the restructuring of RTV BiH and the integration of the transmission system; remembering the further PICąs exhortations in Chapter V, Paragraphs 21 and 24 of the Madrid Declaration of 16 December 1998 restating both objectives with particular focus on the establishment of an integrated Federation television network fully enfranchising all communities and supported by transparent funding, and the establishment of a public corporation for broadcasting and transmission; remembering that in the above mentioned Paragraph 24, the PIC drew the attention of all parties to the GFAP to the need for foreign broadcasters such as Croatian Radio Television and Radio Television Serbia to regularize their activities in BiH according to applicable law; further remembering that on July 30, 1999, the High Representative commenced on an interim basis the process of restructuring the Public Broadcasting System in Bosnia and Herzegovina by establishing PBS BiH and RTV FBiH, their financing, and dismantling RTV BiH;

Noting that in line with the above exhortations, the

Government of the Republika Srpska (hereafter: RS) signed on 13 February 1998 an agreement which established a set of interim arrangements for the restructuring of Srpska Radio Televizija (hereafter: SRT) in accordance with European standards of Public Service Broadcasting, supplemented by a further Memorandum of Understanding (hereafter: MoU) on 17 August 1998 committing the RS Government to a mechanism for transparent and reliable funding for SRT. The interim arrangements and MoU were to remain in force until such time as they could be embodied in a new law for SRT which, the High Representative instructed the RS Government in writing, was to be adopted by 31 December 1998. Also noting that a different MoU was adopted on 11 June 1998 by the Presidency of BiH, expressing a commitment to the establishment of a public radio and television service for the whole of BiH. The MoU called for the appointment of an interim Board of Governors for RTV BiH who would provide proposals for the establishment of such a country-wide broadcasting service for BiH, including an integrated transmission network, and proposals for the creation of a public broadcaster for the Federation BiH. The MoU also stipulated that these new structures were to be in place by the end of 1998. Subsequently, legislation establishing a Federation service, based on proposals from the Board of Governors of RTV BiH, was debated by both chambers of the Federation Parliament, which were unable to agree on a final text. Moreover, since the restructuring of the Public Broadcasting System on July 30, 1999, by the High Representative no laws restructuring the public broadcast system have been enacted by the concerned governments despite their being requested by the High Representative for them. Therefore, none of the above objectives have been fulfilled, and the process begun by the High Representative must continue.

This all considered, being borne in mind and noted, I hereby issue the following:

SECOND DECISION ON RESTRUCTURING THE PUBLIC BROADCASTING SYSTEM IN BOSNIA AND HERZEGOVINA

ARTICLE 1. GENERAL

1.1 This decision continues the process of restructuring the public broadcasting system by further transferring control of Radio-Television of Bosnia and Herzegovina (the existing state broadcaster, hereafter RTV BiH) assets.

1.2 The goal is to create economically and technically viable radio and television enterprises and establish the foundations for a strong public media sector in Bosnia and Herzegovina in the light of International experience and modern professional criteria.

1.3 The original mandate for the Transfer Agent is embodied in the Decision of the High Representative on Restructuring the Public Broadcasting System in Bosnia and Herzegovina dated July 30, 1999, and published in the “Official Gazette” of Bosnia and Herzegovina (14/99) (hereinafter the Restructuring Decision). This Second Decision on Restructuring the Public Broadcasting System in Bosnia and Herzegovina continues the process established in the Restructuring Decision.

1.4 All powers and obligations of the Transfer Agent are merged into the new position of Broadcasting Agent of the High Representative, and the position of Transfer Agent terminates by this merger.

1.5 The Restructuring Decision is amended according to Annex hereto which is incorporated herein by reference.

1.6 Governing corporate organs and bodies in the public broadcasting system shall hold managers fully accountable for effective management, and exercise only general planning, general organizing, and general direction. Governing corporate

organs and bodies include the Founding Board of the Public Radio-Television Service of Bosnia and Herzegovina, the Council of Radio-Television of the Federation of Bosnia and Herzegovina – Limited Liability Company, the Board of Governors for Radio-Television Republika Srpska, the Board of Directors for the Interim Transmission Corporation, and their executive committees.

1.7 The Decision is made based on expert opinion and experience gained since the Restructuring Decision, including consultation with the Founding Board of Public Radio-Television Service of Bosnia and Herzegovina , the Council of The Radio-Television of the Federation of Bosnia and Herzegovina – Limited Liability Company, The RTRS Board of Governors, the Independent Media Commission (hereinafter IMC), and the Trade Union of RTV BiH.

1.8 Mutual obligations of the corporations are under the heading entitled, "Public Broadcasting System." Individual requirements of each member of the system are described under their respective headings. Posts and structures at senior level are outlined.

1.9 The liabilities, receivables, and public credits of RTV BiH shall be transferred to the corporations after completion of an audit.

1.10 Subject to continued supervision by the High Representative, a Broadcasting Agent of the High Representative after reasonable consultation with the Governing Bodies of the Public Broadcasting System of Bosnia and Herzegovina, the Trade Unions or IMC as appropriate shall co-ordinate, supervise and direct the restructuring of Public Broadcasting System of Bosnia and Herzegovina.

1.11 Masculine pronouns herein shall be considered gender neutral.

ARTICLE 2. THE PUBLIC BROADCASTING SYSTEM

2.1 Interim Transmission Corporation

2.1.1 The ITC shall continue to manage all transmission sites, transmitters, and links of all public broadcasters, as well as other transmission infrastructure. Transmitter management and maintenance staff working in the existing broadcasters shall be seconded to the ITC. The ITCąs first task is to ensure that a countrywide transmission system able to meet existing demand is maintained and fully operational for the medium term.
2.1.2 The ITC may enter contractual agreements with domestic and foreign broadcasters for use of their transmitter sites and equipment when justified by business necessity. Its first priority shall be the transmissions of the Public Broadcasting System of BiH.

2.1.3 Until the ITC has its own income, maintenance costs and salary budgets, its staff shall be paid by the broadcasters according to the current Rule Books, and deployed under the instructions of the ITC Board. Income shall be achieved through Annual Service Level Agreements for programme distribution negotiated with the broadcasters. The ITC shall proceed immediately to staff the organization. In order that this be achieved, RTV FBiH and RT RS shall, at the ITCąs request, transfer to ITC transmitter maintenance staff and monies currently reserved for maintenance of transmitters.

2.1.4 A public corporation to manage the transmission system will be established under the auspices of the Commission on Public Corporations, in accordance with Annex 9 of the General Framework Agreement for Peace, within 30 days of the issue of this decision

2.1.5 Ownership rights are not effected by this Decision.

2.2 The New Corporations.

Two new public corporations, the Public Broadcasting Service of Bosnia and Herzegovina, and the Radio and Television of the Federation of Bosnia and Herzegovina, (hereinafter PBS BiH and RTV FBiH) are created by this Decision. They shall work within a strategic framework, but have significant managerial independence. PBS BiH will allow operational managerial independence to its two "Service Providers", the Property Management Division, and the Technical Resource Division. The purpose of these Divisions is to achieve greater professionalism, modernisation, and significant improvements in efficiency within each of these specialized activities.

2.3 RT RS

The development of The Public Company Radio-Television of Republika Srpska Banja Luka (hereinafter RT RS) is a fundamental part of the creation of a public broadcasting system in BiH as specified by the Peace Implementation Council (PIC). RT RS will participate in the benefits and costs of this new system by making Service Level and Commissioning agreements with the other members of the Public Broadcasting System of BiH.

2.4 Shared Activities.

2.4.1 **The new broadcasters** shall concentrate upon programme making in Radio and Television, and collaborate to ensure best use of available budgets. They shall, therefore, jointly use technical resources, the RTV BiH building (hereinafter: The Media Centre), the programme production areas, and pool of news resources. There will be a commissioning relationship between the organizations in news and other programming.
2.4.2 **The Management Board of the Media Centre** shall consist of the Directors of the broadcasting corporations, or their representatives, a representative of the trade unions, a representative of the employees who is empowered to speak about employee concerns, the PBS BiH heads for property management and technical resources, and the Business Director for PBS BiH. The Business Director for PBS BiH shall chair the

board. It shall, for the benefit of the broadcasters, be responsible to develop and implement clear policies in property management, technical resources, and service agreements. Its first task shall be to decide on a framework of business practices, and financial controls to govern transactions between the corporations. Business procedures, procurement practice, and financial controls must be common and transparent, and agreed by the Media Centre Board. An annual external audit of all the Boardąs activities is mandatory, and the cost shall be part of all contracts.

2.4.3 **PBS BiH Property Management Division** shall protect, maintain, repair, replace and dispose as necessary all structures, fixtures, power, heating, air conditioning, plumbing, office furnishings, restaurant, and related property of RTV BiH. It shall provide building management, and maintenance, and the whole range of house services to the Public Broadcasting System.

2.4.3.1 Users shall be charged for house services under annual Service Level Agreements. The charges must be transparent, and both recover costs and include a percentage to build a capital reserve to meet contingencies. Broadcasters and other Corporations within in the Public Broadcast System will have first call on this service. Their requirements shall be made clear in annual plans.
2.4.3.2 The Division will also have the right to rent space and services to other Organisations, giving preference to those in the BiH media environment. Revenues will belong to PBS BiH.

2.4.4 **PBS BiH Technical Resource Division** shall maintain and acquire or dispose of technical resources for the production of radio and television based on a thorough understanding of current broadcasting technology. Broadcasters shall specify their needs to PBS BiH in annual plans, and shared use shall be managed by means of service level agreements specifying charges to be made with the broadcasters.
2.4.4.1 The first step shall be to decide what to keep from

the RTV BIH technical resource base. Decisions shall be based upon the conclusions of the report to the Transfer Agent on the technical facilities and operation of RTV BiH, prepared in April 2000.
2.4.4.2 All future technical resource acquisition shall be either digital, or compatible with the digital environment. Capital planning for technical resources shall be carried out at the level of the Media Centre Board to ensure the replacement and updating of equipment, and an agreed capital charge shall be added to all contracts to enable updating and replacement of equipment.

2.4.4.3 The Division will also have the right to sell services to other Organisations, giving preference to those in the BiH media environment. Revenues will belong to PBS BiH.

2.5 Finance

2.5.1 The broadcasters shall continue to be supported through a mixed funding system, which may include viewersą and listenersą subscription fees, appropriations from the general public budget, and revenue resulting from advertising.
2.5.2 In accordance with the Restructuring Decision, the RTV FBiH and RT RS shall continue to have agreements with public electric companies in the Federation BiH and Republika Srpska for the raising of subscription fees.

2.5.3 According to Article 2 of the Restructuring Decision, RTV FBiH and RT RS shall contribute to the budget of PBS BiH in a ratio of 2:1. This ratio can be varied by agreement between the broadcasters to reflect changes in the levels of Subscription Fee collection, or other income, or demands caused by the development of the PBS schedule and programme mix. All other terms and conditions in Article 2 of the Restructuring Decision are abrogated. These arrangements shall obtain until the coming into force of the Law on the Public Broadcasting Service of BiH which will establish a method of collecting PBS BiH Fees.

2.5.4 The PBS BiH shall enter agreements with the other public

broadcasters to establish a formula for the sharing of prime time advertising revenues

2.5.5 The broadcasters, as the initial budget holders, receiving income from fees and advertising, shall place the emphasis on programme making in managing their budgets, and their priorities shall determine spending in all other functions. Financial management of all the corporations shall be transparent, and publicly accountable in all respects.

2.5.6 The subscription fee collection process must be examined by audit. This audit shall take place every six months at the end of each official accounting period. It shall ascertain the true cost of the collection process, and the exact amount of fees collected. All decisions with regard to the Subscription Fees, whether political or operational shall be based upon these findings. Director of Finance, PBS BiH, shall appoint the Auditors.

2.5.7 Broadcasting subscription fees shall not be taxed.

2.5.8 The public broadcasters will need to retain advertising income at the average level for the European public broadcasting sector for the foreseeable future. New regulations shall be formulated by the IMC after consultation with the broadcasters and with the Broadcasting Agent of the High Representative. Secure and stable funding is a fundamental requirement in this sector; and the broadcastersą viability will depend upon a strong income from advertising for the foreseeable future. Every effort should be made to avoid barter agreements, and to obtain actual revenue.

2.5.9 All corporations shall, according to international accounting standards for public broadcasters or corporations, have the same standard accounting and depreciation definitions and practices. They shall end their fiscal years on the same day of each year, and exchange reports of quarterly and annual balance sheets, income statements, cash flow statements, and

actual expenditure versus budgeted expenditure on the same days of each year. The Director of Finance PBS BiH shall commission an annual audit of all members of the Public Broadcasting System. This shall be submitted to all the Corporations in the system and be made available to the public within a month of its completion.

2.6 Labor

2.6.1 Trade Unions with a membership of, at least, 50% of the employees in any Corporation of the BiH Public Broadcasting System shall be regarded as partners in the implementation of this Decision with regard to the rights of those employees. The Unions shall be represented on the Governing bodies of the Public Broadcasting System BiH.

2.6.2 The employees of the BiH Public Broadcasting System who are not members of a Trade Union shall have the right either to join a Trade Union, or to elect one employee as their representative. This person shall not be a member of the corporate Human Resource management function. The representative shall act as a mediator in all issues pertaining to the status of non-union employees, and shall represent all non union employees in negotiations with management.

2.6.3 Until such time as the laws and by-laws of Bosnia and Herzegovina on labor relations and related benefits are enacted, all employees of either the Public Broadcasting System BiH or the Interim Transmission Corporation shall be entitled to opt in favour of the application of the laws and by-laws on labor benefits of either the Federation of Bosnia and Herzegovina or the Republika Srpska.

ARTICLE 3. PUBLIC RADIO-TELEVISION SERVICE OF BOSNIA AND HERZEGOVINA

3.1 Powers, Responsibilities, and Public Notice

3.1.1 PBS BiH shall be the Public Broadcaster for the State of

BiH. Its Governing Body shall be the PBS Founding Board. PBS BiH shall have all expressed, apparent, and implied powers, rights, and responsibilities generally recognized in Europe for public corporations. It shall have the status and capacity of a legal person of Bosnia and Herzegovina and may operate throughout the territory of Bosnia and Herzegovina (including the District of Brcko) It shall not be required to register by the Entities or any subdivision thereof. The State of Bosnia and Herzegovina shall be the holder of all rights in the corporation, and the corporation shall issue no shares of stock.

3.1.2 It shall publish in the "Official Gazette" of Bosnia and Herzegovina initially, and any amendments within 15 days of their occurrence, the following: (1) Name and head office of the company; (2) Addresses of any branch offices; (3) The names, addresses, and scope of authority of directors or other persons in Bosnia and Herzegovina who are authorized to represent the corporation, and (4) The logo of the corporation, if any is created.

3.1.3 Its name shall be displayed on the companyąs business premises, and all business correspondence and orders shall contain the full company name, the names of persons authorized to represent the corporation, and the address of the corporationąs head office. In accordance with law, other persons may represent the corporation. It shall not be liable for any obligations created by its representatives outside the express scope of their individual authorizations, unless expressly ratified by a representative of the corporation with sufficient authority.

3.2 Transmission

3.2.1 Exclusive frequencies for PBS BiH for national coverage networks for TV, FM Radio, and AM radio services shall be identified and reserved by the IMC but, initially, following the issue of a license from IMC, it shall start broadcasting in Television during prime time using the frequencies of the Entity Broadcasters. It shall broadcast one television channel, and one radio network. These, and any output in other media, shall reflect all people without regard to sex, race,

colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
3.2.2 PBS BiH Television shall provide, from the outset, a statewide and international news service transmitted simultaneously to both entities in prime time at a time to be decided seven nights a week as the heart of an evening PBS BiH network schedule.

3.2.3 PBS BiH Radio shall be statewide, broadcasting predominantly on FM. PBS BiH radio also has overall right to the RTV BiH AM frequency. Time on this channel may be sold to other broadcasters.

3.3 Rights

3.3.1 PBS BiH shall acquire and hold any and all rights and responsibility for broadcasting international sport, programming produced by foreign broadcasters and purchased by the BiH Public Broadcasting system, feature films, and for all programming created by PBS BiH.
3.3.2 PBS BiH shall hold any and all rights and responsibility for satellite broadcasting to the BiH Diaspora. The service should contain material from both PBS and entity broadcasters.

3.3.3 PBS BiH shall hold BiH membership in the European Broadcasting Union (EBU), and shall have all rights and responsibilities arising from that.

3.3.4 PBS BiH shall hold any and all rights and responsibility for all RTV BiH intellectual property and programming rights, including the television and radio archives, and it shall manage and exploit those rights for the benefit of all BiH Public broadcasters as soon as possible.

3.3.5 PBS BiH shall hold any and all rights and responsibility for all structures, fixtures, power, heating, air conditioning, plumbing, office furnishings, restaurant, and related property of the RTV BiH, including, but not limited to, the right to allow others to use facilities for

compensation. Media organisations shall have first call on the service.

3.3.6 PBS BiH shall hold any and all rights and responsibility for all technical resources for the production of radio and television, and related property of RTV BiH. It shall protect, maintain, repair, replace and dispose all such property as necessary.

3.4 Programming of PBS BiH.

3.4.1 The PBS BiH mission shall be to provide informational, educational, entertainment and cultural programming for all parts of the State of Bosnia and Herzegovina. PBS BiH programming shall reflect the national, religious, historic, cultural, linguistic and other characteristics of the constituent peoples and citizens of BiH. It shall produce national news, and will move to develop an evening schedule in Television, in agreement with the entity broadcasters, and a full broadcasting day in Radio.
3.4.2 There shall be an editor and small PBS BiH production team for satellite broadcasting. They shall select programming from the whole range of BiH public broadcasting. The full economic cost of this activity shall be met at state level, and not from the fee income.

3.4.3 All programming shall be produced in the light of editorial guidelines based upon best International practice. The Broadcasters shall jointly develop written editorial guidelines for all media, and make them reasonably available for public viewing throughout BiH as the heart of the process of developing public accountability.

3.4.4 PBS BiH shall develop a radio brand or broadcasting proposition which best serves the public purpose, and attracts and satisfies an audience statewide. News and current affairs shall be a significant part of the radio format. It shall also reflect the whole range of the music of BiH, and engage in music production.

3.4.5 PBS BiH shall register domain names for all public broadcasters, create product for the Internet market, and develop an Internet relationship with the BiH Diaspora.

3.4.6 PBS BiH shall manage and supervise the purchase of foreign programming, including sport, as advised by a purchasing group formed with both Entity broadcasters.

3.5 Management

3.5.1 The PBS BiH Founding Board shall recruit a General Director, supported by a top team of: Director of Television and Director of Radio, the Director of Business, Director of Finance, Director of Marketing, Director of Human Resources, and Director of Information Technology. The General Director shall represent and stand for the PBS BiH. The General Director shall be responsible for the legality, probity, and public accountability of the work of the PBS BiH, in particular for its compliance with the PBS BiH Editorial Guidelines and implementing decisions of the PBS BiH Founding Board. The General Director shall, with consent of the PBS BiH Founding Board, in accordance with the best international recruiting principles, and respecting the principles of national equality in accordance with the Constitution of BiH, appoint the team of supporting Directors.

3.5.2 The Director of Television and the Director of Radio shall both be involved directly with the planning, production and scheduling of their output. They shall also recruit and manage a Network co-ordination Department to enable Network Control, and a small Department developing Internet Content, and registering Domain Names for all Public Broadcasters. Director of Business shall manage the Property Management Division and the Technical Resources Division, but not the Interim Transmission Corporation. These three directors shall be the first to be recruited.

3.5.3 **The General Director** shall be a Senior Public Broadcasting Professional experienced at top level in both Radio and Television. The task is to form and manage the PBS BiH Board across the range of their activities, to meet the

Corporationąs responsibilities as a member of EBU, and to firmly establish the principles and standards of International Best Practice in all aspects of Public Broadcasting in BiH. The General Director shall set up and manage a group to lead professional collaboration between the Broadcasters. This should consist, in the first instance, of the entity Directors of Broadcasting, and the PBS Heads of Television, Radio, and Business. He shall work with the two Entity Broadcasters to set up processes to enable full Public Accountability of the Public Broadcasting System. He shall report annually on the activities of the Service to the PBS Founding Board or its successor and present the annual plan.

3.5.4 **The Director of Television**, an experienced TV Professional, shall be responsible for creating PBS BiH Television News and managing the commissioning of news and other programming from the Entity Broadcasters, and from Independent Producers. He shall develop the PBS BiH Programme Proposition in both Television and New Digital Media. The PBS BiH News Team must be strong enough in both editorial skills, and in terms of resources to produce National and International news. The Director of Television shall also recruit and lead a small team as the nucleus of the PBS BiH TV Production Department. A Programme Planning and Budgeting team shall support the Director. They shall work with programme producers to develop the Programme Budgeting Process, to control service and resource use, and enable scheduling, transmission, and technical resource planning to take place at least a year in advance. This team will work closely with the Entity Broadcasters. Television Network Co-ordination shall be part of the Directorąs portfolio.

3.5.5 **The Director of Radio**, an experienced radio professional, shall be responsible for creating a Radio Network for the whole State. The first task shall be to recruit a radio news team, build a commissioning relationship with the two Entity Broadcasters, and develop a programming

proposition for the new service. A Programme Planning and Finance Team shall support the Director of Radio with the same functions as above. Radio aspects of digital and Internet development, and Radio Network Co-ordination shall be part of this Directorąs portfolio.

3.5.6 **The Director of Business** shall chair the Media Centre Board, and have, as his management team, the Head of Programme Purchasing, the Head of Property Management Division, and The Head of Technical Resources Division. He shall be a member of the Board of the Interim Transmission Corporation. Director of Business shall also manage a small legal team. The task shall be to ensure the efficient functioning of the Service Providers, and the implementation of clear policies in the fields of Property Management, Technical Resources, Service Level Agreements, and the purchasing of Programmes and Rights in all Media. The Director shall also manage the radio and television Archive, according to the highest professional standards for the benefit of all broadcasters, offering daily access to programme material, and preparing all programme material for commercial development.

3.5.7 **The Director of Finance** shall become the senior financial advisor for the whole BiH Public Broadcasting System, and should assist in setting up common and transparent accounting procedures, and financial controls for all members of the system. As well as all aspects of normal accounting, these procedures should encompass the Agreements for the collection, and apportionment of Fees, the setting of advertising rates, and the collection and sharing of revenue between the Broadcasters. He should also be responsible for dealing with Government on all issues of taxation, and the recovery of debt on behalf of the Public Broadcasting system. The Heads of Finance in the Entity Broadcasters, shall work for the Director of Broadcasting, but collaborate on professional issues with the Finance Director of PBS. A small Internal Audit Department should report to the Director of

Finance, work as required and advise on the appointment of External Auditors as necessary, and as required by this Decision.

3.5.8 **The Director of Marketing** shall offer advice and coordination across the whole area of Advertising and Sponsorship for the Public Broadcasters. Small Marketing Teams in the Entity Broadcasters shall work with the Entity Directors of Broadcasting, but collaborate with the Director of Marketing. He must lay down clear professional guidelines for the management of this activity, and coordinate the selling of airtime in both Entity Broadcasters and PBS BiH. The Marketing Division should be in the same office as the Schedulers, and Programme Planning in all three Broadcasters and, like them, plan, at least, a year ahead. The emphasis must be away from Barter Deals, and towards the earning of Revenue.

3.5.9 **The Director of Human Resources (HR)** shall act in support of management and staff across the whole Public Broadcasting System. He shall put in place structures to manage Recruitment, staff mobility and Career Development, Health and Safety, Training in all areas, Induction, Contracts of Employment, Redundancy, Staff Regulations, Disciplinary Procedures, and the relationship with the Trades Unions. Small HR teams shall be based in the Entity Broadcasters, working for the Directors of Broadcasting, but collaborating professionally with the Director of HR to ensure the application of a coherent strategy across the System. The first objective should be the agreement of a fair and transparent pay and grading system.

3.5.10 **The Director of Information Technology (IT)** shall be responsible for building a small expert team, creating a coherent plan for the procurement, and installation of the Computing and the Networks required by the Public Broadcasting System. He shall be responsible for selecting both hardware and software which fits the purposes required in collaboration

with all users. He shall be responsible for technical support for the Internet activities of PBS BiH. He shall work with the other Directors to identify those areas where IT can realise large savings, and apply it to that purpose. The Director of IT shall not be responsible for the procurement and deployment of digital production equipment. This shall be done by the Technical Resource Division of PBS BiH, but both departments shall share responsibility for Local Area Networks, IT Training, and IT Support.

3.6 Property Management

3.6.1 The Head of Property Management Division, PBS BiH shall be responsible for the management of space, for building maintenance, and house services at the Media Centre, and advise on the use of all other property that is part of the Public Broadcasting System. He shall decide with the Media Centre Board whether to use employees or contract out these services to external suppliers. An annual external audit shall be conducted, and the cost of this must be included in all support agreements.
3.6.2 The head of property management shall work very closely with the head of technical resources and the broadcasters on the use of space and the equipping of broadcasting areas to the required specification. The forum for discussion shall be the Media Centre Board.

3.7 Technical Resource Management

The Head of the Technical Resources Division shall be experienced in broadcasting engineering and technical resource management with an excellent understanding of the new digital broadcasting environment. His task is to manage and develop the Technical Resources and the technical staff to meet the requirements of the Public Broadcasting System. Staff training will be of major importance. Working with this person shall be a small project management team with the same expertise.

ARTICLE 4. RADIO-TELEVISION OF THE FEDERATION OF BOSNIA AND HERZEGOVINA – LIMITED LIABILITY COMPANY

4.1 Programming

4.1.1 RTV FBiH shall be a programme producer, scheduler and broadcaster in radio and television. It shall broadcast a general schedule with programmes in all genres focussed upon the Federation. It shall be governed by the Council of the Radio-Television of the Federation of Bosnia and Herzegovina. RTV FBiH shall be composed, mainly, of programme makers backed up by a small, highly professional, management team. The majority of its Infrastructure and Support requirements shall be obtained under agreement with PBS BiH. The corporation shall focus closely upon reporting and reflecting all aspects of the Federation of Bosnia and Herzegovina. Its schedules shall contain at least 40% domestically produced programming in all programme genres outside news. A significant proportion of the programmes must be commissioned from independent producers, with an aim of achieving 10% of domestic production from this source within three years. The agreed Editorial Guidelines shall govern all production.
4.1.2 It is mandated to produce two radio networks, and two channels of television. These services shall be complementary and mixed. Each shall reflect national and cultural diversities, and shall be staffed by people chosen on the basis of the highest professional criteria in accordance with the principle of national equality as expressed by the Constitution of BiH. The services shall reflect all official languages. They shall provide a news service through the day. Broadcasting control of these channels and networks shall be effected through the PBS BiH network co-ordination department.

4.1.3 It shall produce programming from its departments and commission from independent producers. It shall incorporate marketing to complete an annual transmission and advertising plan. This process shall be based upon robust audience research.

4.2 Management

4.2.1 A single **"Director of Broadcasting"**, RTV FBiH shall be appointed by the RTV FBiH Council, and report to the RTV FBiH Council as required by law. He shall represent and stand for the RTV FBiH. He shall be responsible for the legality of the work of the RTV FBiH, in particular for its compliance with the agreed Editorial Guidelines and any legal requirements. The Director of Broadcasting will be both senior manager, and responsible for all output in both Radio and Television. He shall be publicly accountable for the activities of the Station. He shall make all management appointments in collaboration with the Council, in consultation with the Director of Human Resources, PBS BiH, and the Head of Human Resources, RTV FBIH. All recruitment shall be carried out in line with the criteria expressed in paragraph 4.1.2

4.2.2 The Director of Broadcasting shall appoint Editors of News for radio and television. He shall also appoint programme department heads at the same level of seniority including, but not limited to, separate heads for Radio and Television departments who shall appoint their production teams. These shall consist of producer /directors, assistant producers, and production managers. The news and production heads shall establish close working relationships with their colleagues in PBS BiH, and RT RS. They will support and develop a Commissioning relationship, particularly between RTV FBIH news, and PBS BiH news in both Radio and Television, but, also, across the whole range of output.

4.2.3 **The Head of Finance** shall be appointed by the Director of Broadcasting, and be responsible for controlling all spending, and accounting for the entire annual budget of RTV FBiH, including advertising revenue. He shall be responsible for establishing a programme budgeting process, and setting up internal audit. He shall lead the creation of the Annual Financial Plan, establishing requirements in the coming year for all areas, and relating them to the available budget. He shall manage the contractual relationships with all independent producers and service providers, including the ITC. He shall be responsible for the management of the

Elektroprivrida agreements, and all other aspects of fee collection including the appointment of external auditors. He shall collaborate with the Director of Finance PBS BiH.

4.2.4 The Director of Broadcasting shall appoint the **Head of Programme Planning, Marketing, and Scheduling**. He shall work in collaboration with the Director of Marketing for PBS BiH, and be responsible for preparing an annual transmission and advertising plan based upon robust audience research, and strong programme commissioning. He will ensure that all schedules, and advertising plans are prepared in collaboration with PBS BiH.

4.2.5 **The Head of Human Resources** shall be appointed by the Director of Broadcasting, and lead a small team in support of management on all human resource (HR) issues. This team shall collaborate with Director of Human Resources PBS BiH who sets overall HR strategy. He shall ensure that recruitment, staffing levels and working practices shall be in line with best international industry practice.

4.2.6 **The Management Board of RTV FBiH** shall consist of the Director of Broadcasting, Head of Programme Planning, Head of Finance, and Head of Human Resources. It shall meet at least once every two weeks, and The Head of Broadcasting shall represent the programme issues. It shall, in collaboration with the Board of PBS BiH agree and develop rules for business procedures, financial control mechanisms, and genre specific protocols for the management of the processes of programme production for application throughout the Public Broadcasting System.

4.2.7 **The Programme Board of RTV FBiH** shall meet at least once every two weeks, alternating with the Management Board. It shall be chaired by the Director of Broadcasting and consist of the editors for news and the Radio and Television department heads in all programme genres. Its main purpose shall be to review and discuss all output. It shall also raise

issues for the Management Board, and make contributions to overall policy especially in the areas of programme budgeting and commissioning, scheduling, and working practices in production. It shall meet quarterly with the Management Board.

4.2.8 The Director of Broadcasting shall report to the Council of RTV FBiH in the form of an annual review of all activities.

4.2.9 The Director of Broadcasting shall represent RTV FBiH on the PBS BiH purchasing group for foreign programming, and on the Media Centre Board.

ARTICLE 5. RADIO-TELEVISION REPUBLIKA SRPSKA

It is the broadcaster for Republika Srpska governed by the RT RS Board of Governors. In order to access PBS BiH Programming, and make use of the PBS BiH technical resources, and property divisions it shall restructure its management in accordance with the principles laid down in this Decision, and execute Service Level and Commissioning agreements with PBS BiH. It shall broadcast a single radio network, and one television channel, and both recruit from, and serve all the people in accordance with the Constitution. It shall broadcast a General Schedule of informational, educational, cultural, and entertaining programmes focussed upon reporting and reflecting all aspects of the Republika Srpska. Its schedules shall contain at least 40% domestically produced programmes in all programme genres outside news. A significant proportion of the programmes must be commissioned from Independent Producers. The aim should be to achieve 10% of domestic production from this source within three years. The agreed Editorial Guidelines shall govern all production.

ARTICLE 6. IMPLEMENTATION

The Decision shall enter into force on October 23, 2000. It shall be on the interim basis until the adoption of the appropriate laws by Bosnia and Herzegovina, the Federation of

BiH, and Republika Srpska. These laws shall be: the Law on PBS BiH, the Law on RT RS and the amended Law on RTV FBiH. These laws will be in accordance with principles laid down in the Decision, and shall further enhance the status of the Public Broadcasting System of BiH. As part of this new legal framework the structure and authority of the Governing Bodies of the Public Broadcasting System shall be harmonized. This decision does not in any way supersede the regulatory powers of the Independent Media Commission or its successor. This Decision shall be published without delay in the Official Gazettes of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and Republika Srpska.

October 2000Wolfgang Petritsch High Representative

ANNEX TO THE SECOND DECISION RESTRUCTURING THE PUBLIC BROADCASTING SYSTEM

The Annexes to the Decision of the High Representative on Restructuring the Public Broadcasting System in Bosnia and Herzegovina dated July 30, 1999, as published in the "Official Gazette" of Bosnia and Herzegovina (14/99) (hereinafter the Restructuring Decision) are modified as follows:

Article 1
Article 11 in Annex 1 is abrogated.

Article 2
The second sentence of Article 2 in Annex II is changed to the following: "The RTV FBiH shall be obliged to comply fully with the agreed Editorial Guidelines, "The Code for Editing Television and Radio Programmes," as well as with other pieces of legislation issued by the Independent Media Commission (IMC), in accordance with this Law, other regulations, Statute and other general enactments of the RTV FBiH."

Article 3
Article 7 in Annex II is abrogated.

Article 4

Article 38 in Annex II is abrogated.

Article 5

Article 42 paragraph 1 in Annex II is changed to the following:

“The body of RTV FBiH is the Council of RTV FBiH. In paragraph 2 the words “and their deputies” are deleted.”

Article 6

Article 43 in Annex II is changed to:

“RTV FBiH Council shall be the body through which the public interest in the RTV FBiH operations shall be realised in the manner as defined by this Law. RTV FBiH Council shall:”

a. Determine organizational formalities of RTV FBiH;
b. Ensure fair and representational employment;
c. Adopt the Statute of RTV FBiH, codes, enactment on broadcast of advertisements and collection of subscription and other enactment;
d. Approve the provision of additional program services (Article 9);
e. Appoint and dismiss the Director of Broadcasting;
f. Perform other duties as specified by the law and Statute;
g. Apply for, maintain and assure compliance with all appropriate operating licenses from IMC; and
h. Ensure public accountability of RTV FBiH.

Within the period in which the BiH Federation is the only owner of RTV FBiH, the Council shall also perform the function of Assembly of Limited Liability Company in accordance with the law.”

Article 7

The first sentence of Article 46 in Annex II is changed to, “The RTV FBiH Council shall elect amongst its members its Chairman and Vice Chairman who may not be from amongst the same constituent people.

Article 8
Article 47 through Article 51 in Annex II are abrogated.

Article 9
Article 52 in Annex II is changed to:

Statute of RTV FBiH shall, in accordance with the Law, regulate:

a. Address of the seat in Sarajevo;
b. Other activities;
c. Manner of decision making by the Council;
d. Authorisations and obligations of Director of Broadcasting and managers;
e. Rights and responsibilities of employees;
f. manner of establishment of the amount of compensation for the work of the members of Council;
g. Relations with trade union;
h. Safeguarding of confidential information; and
i. Other issues of importance to the work of RTV FBIH, including, without limitation, the manner of securing operating licenses from the IMC.
j. Internal organization of RTV FBiH and management.

Article 10
The first sentence of paragraph 1 in Article 56 in Annex II is amended to read: “With a view to ensuring the financial transparency and the accountability before the public, the RTV BiH Council shall adopt an approved annual budget for the current year at the latest by the first of February each year.”

The last sentence of Article 56 is deleted.

Article 11
The first sentence of Article 60 in Annex II is changed to “Council of RTV FBiH by its decision shall stipulate the amount of subscription.”

Office of the High Representative