

INDIREG

FINAL REPORT – ANNEX

Indicators for independence and efficient functioning of audiovisual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive” (SMART 2009/0001)

Annex II – Country Tables – Bosnia and
Herzegovina

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I. GENERAL INFORMATION

Table 1 - Market data

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Bosnia and Herzegovina	44 (terrestrial) 30 (satellite, cable or IPTV) Public Registry of General Information on Broadcasters in BH: www.rak.ba/en/broadcast/reg/?cid=1863	0	3

Table 2 - Audiovisual laws and regulatory bodies

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Bosnia and Herzegovina	Information requirements (art. 5 AVMS Directive)	The Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03. The law regulates the mandate of the Communications Regulatory Agency and gives the authority to give licences and establish the rules in communications, i.e. broadcasting, telecommunications and frequency management and ensure the adherence. (Article 37). The PBS is regulated on the basis of the Law on the Public Broadcasting System (Official Gazette BiH no 78/05) and Law on the Public Broadcasting Service of Bosnia and Herzegovina (Official Gazette BiH no 92/05), and also on the Law on Radio Television of Federation of BiH (Official Gazette FBiH no 32/01) and Law on Radio and Television of the Republic of Srpska (Official	Communications Regulatory Agency (RAK)	RAK	RAK

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
		Gazette RS no 49/06), which all belong to the PBS system in BiH. In addition, Bosnia and Herzegovina has signed the European Convention on Transfrontier Television and its provisions are legally binding.			
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	Along with the authorization provided by the Law on Communications, the Communications Regulatory Agency adopted the Advertising and Sponsorship Code of Practice www.rak.ba/en/legal/rules-codes/broadcast/codes/index.aspx?m=&yr=2006&so=DESC&sort-by=published	RAK	RAK	RAK
	Accessibility to people with a disability (Art. 7 AVMS Directive)	N/A	N/A	N/A	N/A
	Broadcasting of major events (Art. 14 AVMS Directive)	European Convention on Transfrontier Television	RAK	RAK	RAK
	Access to short news reports (Article 15 AVMS Directive)	N/A	N/A	N/A	N/A
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	N/A	N/A	N/A	N/A
	Hate speech (Art. 12 and 6 AVMS Directive)	Broadcasting Code of Practice www.rak.ba/en/legal/rules-codes/broadcast/codes/index.aspx?m=&yr=2008&so=DESC&sort-by=published	RAK	RAK	RAK
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	Advertising and Sponsorship Code of Practice			
	Protection of minors (Art. 27 AVMS Directive)	Broadcasting Code of Practice			
	Right of reply (Art. 28 AVMS Directive)	Broadcasting Code of Practice			
	Communication and cooperation with European	Communications Regulatory Agency is member of EPRA			

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	regulation bodies and the Commission (Art. 30b AVMS Directive)				

Table 3 - Regulatory bodies – general information

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Bosnia and Herzegovina	Communications Regulatory Agency	www.rak.ba	Communications Regulatory Agency was established on March 2, 2001 by the Decision of the High Representative. The CRA's mandate started on October 21, 2002. It combines the competencies of the Independent Media Commission (broadcasting) and the Telecommunications Regulatory Agency (telecommunications). Till then, they had been functioning separately.	Sarajevo (main office), Mostar and Banja Luka (regional offices)

Table 4 - Sectors covered

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Bosnia and Herzegovina	Communications Regulatory Agency	Yes	Yes	Yes	Yes	Yes	No

Table 5 - Staff and overall budget

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Bosnia and Herzegovina	Communications Regulatory Agency	32 (broadcasting and audiovisual only)	18 (broadcasting and audiovisual only)	The Law on Communication cites: "The budget of the Agency shall relate directly to the Council of Ministers' sector policies. The Director General shall submit a budget for each fiscal year, previously adopted by the Council of the Agency, to the Council of Ministers for approval"	The annual budget of the Agency (breakdown not available) for 2010 amounts to 8,478,000 KM (approx. €4.3m).	2010 (Law on Budget of Institutions of BiH for 2010)

II. INSTITUTIONAL FRAMEWORK

Table 6 - Legislation establishing and governing the regulatory body

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Bosnia and Herzegovina	Communications Regulatory Agency	Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03, October 21, 2003.	Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03, October 21, 2003.

Table 7 - Legal status

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Bosnia and Herzegovina	Communications Regulatory Agency	The Communication Law states that the Agency is functionally independent and non-profit making institution with the status of a legal person (Article 36).	Yes.			The Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03)

Table 8 - Independence as a value

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Bosnia and Herzegovina	Communications Regulatory Agency		√. Article 36:3 of the Law on Communications states: "Neither the Council of Ministers, nor individual Ministers nor any other person shall in any way interfere in the decision-making of the Agency in individual cases."	The Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03)

III. POWERS OF THE REGULATORY BODIES

Table 9 - Regulatory powers

This table is aimed at understanding the types of decisions that can be taken by the regulatory body.

We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Bosnia and Herzegovina	Communications Regulatory Agency	Tick boxes	No	√	√
		Areas		√ <ul style="list-style-type: none"> Regulating broadcasting and public telecommunications networks and services, including licensing, tariffing, interconnection, and establishing the basic conditions for the provision of common and international communications facilities Adopting all rules for regulated sectors 	√ Planning, co-ordinating, allocating and assigning the use of the radio frequency
		Source		The Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03.	General act The Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03.

Table 10 - Supervision and monitoring power

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Bosnia and Herzegovina	Communications Regulatory Agency	Quotas	Monitoring powers are foreseen in the law but unclear if systematic or ad hoc or after complaints.	Monitoring powers are foreseen in the law but unclear if systematic or ad hoc or after complaints.	√	Monitoring powers are foreseen in the law but unclear if systematic or ad hoc or after complaints.		The Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
		Advertising	Same as above	Same as above	√	Same as above		The Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03.
		Protection of minors	Same as above	Same as above	√	Same as above		The Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03.

Table 11 - Powers of sanctions

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Bosnia and Herzegovina	Communications Regulatory Agency	Quotas	√ all sanctions are discretionary but internal guidance is followed	√ Up to BAM 10,000 (approx. €5,000) depending on the type of breach and population coverage.	√ The regulator published press releases with all the decisions it adopts. The full decisions are not published.	√	No This is not an option. All decisions are appealable to Agency's Council. Decisions of the Council of the Agency are final and binding in administrative procedure. Also, legal review can be initiated before the State Court of Bosnia and Herzegovina.	Communications Regulatory Agency
		Advertising	√	√ Up to BAM 100,000 (approx. €50,000) depending on the type of breach and population coverage.	Same as above	√ discretionary	Same as above	
		Protection of minors	√	√ Up to BAM 50,000 (approx €25,000)	Same as above	√	Same as above	

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
				depending on the type of breach and population coverage.				

Table 12 - De facto use of formally granted competences and monitoring powers

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Bosnia and Herzegovina	Communications Regulatory Agency	√	√	√	X The CRA has never used systematic monitoring because it does not have the required technical and human capacities.	√	√	√

Table 13 - De facto use of formally granted sanction powers

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Bosnia and Herzegovina	Communications Regulatory Agency	√ Number of given warnings (both oral and written) for the period 2005-2009 was 160.	√ The total amount of fines for the period 2005-2009 was BAM 477,150 (approx. €244,000)	The Agency is not authorized to order the publication of its decisions as an enforcement measure. The practice is to publish press release which media use to inform the general public.	√ Between 2005 and 2009, the Agency suspended 10 and revoked 4 licences (for non-payment of the licence fees). The Agency publishes annual reports on cases having to do with breaches of its rules available at www.rak.ba/	√ Up to BAM 100,000 (approx. €50,000)

Table 14 - Complaints handling

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Bosnia and Herzegovina	Communications Regulatory Agency	Yes The Communications Regulatory Agency adopted the Rulebook on procedure of handling cases of breaches of conditions of the licence and regulations of the Communications Regulatory Agency. The provisions of the Law on Administrative Procedure apply to issues which the Rulebook does not cover.	www.rak.ba

IV. INTERNAL ORGANISATION AND STAFFING

Table 15 - Highest decision-making organ – composition

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source	
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)			
Bosnia and Herzegovina	Communications Regulatory Agency	Both; Director General and Council of the Agency	7	No	No	No	No	No	7 (100%)	No	No information available	Articles 39, 40 and 49 of the Law on Communications

Table 16 - Highest decision-making organ – competences and decision-making process and transparency

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Bosnia and Herzegovina	Communications Regulatory Agency – Council of the Agency	The Council of the Agency guides the Agency with regard to strategic issues of law implementation. It receives reports from the Director General, adopts codes of practice and rules for broadcasting and telecommunications. The Council acts as an appeal body for the decisions of the Director General.	Consensus. If this is not possible to achieve, decisions are taken by majority vote. A quorum of 4 Council members is needed.	Yes (public consultations are organised) The CRA informs the public about its work through press releases which are published on the website of the CRA. However, complete decisions are not published.	No
	Communications Regulatory Agency - Director General	Director General manages the Agency. He is responsible for the administrative functions of the Agency, all staffing issues, and the establishment of	n/a	Yes	No

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
		internal procedural rules. The Director General is authorized to deal with any cases of violation of licence conditions and rules adopted by the Agency and to impose appropriate remedies and sanctions.			

Table 17 - Highest decision-making organ – appointment process

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Bosnia and Herzegovina	Communications Regulatory Agency – Council of the Agency	Chairman	No	n/a	Among themselves, the members elect a chairman and a vice-chairman.	n/a	Article 39 of the Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03.
		Board members	Yes	The Council of the Agency has 7 members nominated by the Council of Ministers based on a	These are the members are appointed by the Parliament of Bosnia and Herzegovina. The Parliament accepts or	Yes In case the Parliament rejects a nomination, the Council of Ministers nominates another	Article 39 of the Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
				list of candidates given by the Council of the Agency that comprises of twice as many candidates as posts available.	rejects the nominations within thirty days after submission of the nominations.	person from the list of candidates given by the Council of the Agency, and submits this nomination to the Parliament of Bosnia and Herzegovina.	
	Communications Regulatory Agency – Director General	Director General	Yes	The nomination of Director General follows a public competition that has to be announced in the Official Gazette. Within 30 days after submission of the nomination, the Council of the Agency nominates Director General	The nomination is approved by the Council of Ministers	No information available	Article 40 of the Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03.

Table 18 - Term of office and renewal

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Bosnia and Herzegovina	Council of the Agency	Chairman of the board	4 years	No	Yes, once	Article 39 of the Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03.
		Board members	4 years	No	Yes, once	Article 39 of the Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03.
	Communications Regulatory Agency- Director General	Director General	4 years	No	Yes, once	Article 40 of the Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03.

Table 19 - Professional expertise/qualifications

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Bosnia and Herzegovina	Communications Regulatory Agency - Council of the Agency	Chairman of the board	Members of the Council of the Agency are appointed in their personal capacity as individuals with legal, economic, technical or other relevant expertise and on the basis of the experience for the fields of telecommunications and/or broadcasting.		Article 39 of the Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03.
		Board members			
	Communications Regulatory Agency – Director General	Director General	No information available	Experience in the fields of telecommunications and/or broadcasting and proven management skills.	Article 40 of the Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03.

Table 20 - Rules to guard against conflicts of interest – Appointment process

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Bosnia and Herzegovina	Communications Regulatory Agency – Council of the Agency	Chairman	Yes		Yes Officials in legislative or executive functions at any level of Government cannot be named as candidates for the membership of the Council of the Agency.	Members of political party organs cannot be named as candidates for the membership of the Council of the Agency.	Members of the Council of the Agency must declare any interest in a telecommunications operator or a broadcaster and dismiss themselves in cases that present a conflict of interest.	Yes	No if there is no conflict of interest with industry	Article 39 of the Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03.
		Board members	Yes		Officials in legislative or executive functions at any level of Government cannot be named as candidates for the membership of the Council of the Agency.	Members of political party organs cannot be named as candidates for the membership of the Council of the Agency.	Members of the Council of the Agency must declare any interest in a telecommunications operator or a broadcaster and dismiss themselves in cases that present a conflict of interest.	Yes	No, if there is no conflict of interest with industry.	Article 39 of the Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03.
		Senior staff	Yes					General provisions stipulated by the Labour Law in Institutions of BiH.	No	No, if it does not present a conflict of interest with industry.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
	Communications Regulatory Agency – Director General	Director General	Yes		Officials in legislative or executive functions at any level of Government cannot be nominated as Director General.	Members of political party organs cannot be nominated as Director General.	The Director General must not have any financial relation with a telecommunications operator or a broadcaster.	No		Article 40 of the Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03.

Table 21 - Rules to guard against conflicts of interest – during term of office

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Bosnia and Herzegovina	Communications Regulatory Agency – Council of the Agency	Chairman	Yes		Yes Same as for appointment process (table 20)	Yes Same as for appointment process (table 20)	Same as for appointment process (table 20)	Article 39 of the Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03.
		Board members	Yes		Yes Same as for appointment process (table 20)	Yes Same as for appointment process (table 20)	Same as for appointment process (table 20)	Article 39 of the Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03.
		Senior staff	Yes				General provisions in the labour law of the BiH institutions	Labour Law in Institutions of BiH

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
	Communications Regulatory Agency – Director General	Director General	Yes		Yes Same as for appointment process (table 20)	Yes Same as for appointment process (table 20)	Yes Same for appointment process (table 20)	Article 40 of the Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03.

Table 22 - Rules to guard against conflicts of interest – after term of office

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Bosnia and Herzegovina	Communications Regulatory Agency – Council of the Agency	Chairman		No		
		Board members		No		
		Senior Staff	Yes		Yes, for up to 2 years	Labour Law in Institutions of BiH

Table 23 - Rules to protect against dismissal

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Bosnia and Herzegovina	Communications Regulatory Agency – Council of the Agency	Chairman	Yes		The authority of the Parliament of Bosnia and Herzegovina	<ol style="list-style-type: none"> 1. Illness rendering a member of the Council of the Agency incapable of performing his or her duties 2. Conviction of a crime punishable by imprisonment 3. A conflict of interest by a member of the Council of the Agency, as defined in the Agency's Code of Ethics, including when a member of his or her household is an owner, shareholder, or member of the boards or supervisory boards or other relevant governing bodies, director or president or other manager of any licensee or associate undertaking of any licensee 4. Resignation 5. Non-performance of duties, as reflected by failure to participate in three or more successive meetings 6. Violation of the Agency's Code of Ethics. 	Only individual members	Article 42 of the Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
		Individual board members	Yes		The authority of the Parliament of Bosnia and Herzegovina	Same as above	Only individual members	Article 42 of the Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03.
	Communications Regulatory Agency – Director General	Director General	Yes		The authority of the Council of Ministers	<ol style="list-style-type: none"> 1. Illness rendering the Director General incapable of performing his or her duties 2. Conviction of a crime punishable by imprisonment 3. A conflict of interest by the Director General, as defined in the Agency's Code of Ethics, including when a member of his or her household is an owner, shareholder, or member of the boards or supervisory boards or other relevant governing bodies, director or president or other manager of any licensee or associate undertaking of any licensee 4. Resignation 5. Failure to perform duties pursuant to the Law, internal Agency rules or his/her Contract of Employment 6. Violation of the Agency's Code of Ethics. 		Article 42 of the Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03.

Table 24 - Dismissal before term

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year	Dismissal before term		Reasons	Comment
			Yes	No		
Bosnia and Herzegovina	Communications Regulatory Agency – Council of the Agency	2005-2009		No		

V. FINANCIAL RESOURCES

Table 25 - Sources of income

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Bosnia and Herzegovina	Communications Regulatory Agency	No	Net budgeted agency – all surplus income is transferred to state budget 2009	No BAM 10.9m (€5.5m) transferred to state budget	Yes	Yes BAM 57,295 (€23.5k) – transferred to state budget	Yes BAM 10.8m (€5.4m) – total income	Article 44 of the Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03. CRA annual report 2009

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
			budget is BAM 8.9m (€4.5m)					

Table 26 - Annual budget

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Bosnia and Herzegovina	Communications Regulatory Agency	The budget of the Agency is an integral part of the budget of institutions of Bosnia and Herzegovina. The draft of the annual budget is prepared by the Ministry of Finance and adopted by the Council of Ministers of Bosnia and Herzegovina. Draft budget is then submitted to the Presidency of Bosnia and Herzegovina for their approval.	Yes	Same procedure	No	Law on the Budget for the Institutions of BiH (adopted for every year) Law on the Financing of the Institutions of BiH (Official Gazette of BiH No. 61/04) Article 44 of the Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03

Table 27 - Financial accountability – auditing

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Bosnia and Herzegovina	Communications Regulatory Agency	Yes	Annual	Yes	Yes but optional. Based on the Law on Communications, the Agency may decide to engage an independent auditor.	No	Article 44 of the Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03 Law on the Auditing of the Financial Operations of the Institutions of BiH, (Official Gazette of BiH no 17/99, 12/06)

VI. CHECKS AND BALANCES

Table 28 - Formal accountability

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Bosnia and Herzegovina	Communications Regulatory Agency	Parliament	Yes	The Parliament nominates the members of Agency's Council and hence they are accountable to the Parliament. Their obligation is to submit replies to all parliamentary questions. Parliament considers annual auditory report of the Communications Regulatory Agency.	Art. 39 of the Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03 Law on the Auditing of the Financial Operations of the Institutions of BiH, (Official Gazette of BiH no.17/99, 12/06)
		Government as a whole	Yes	The Council of Ministers receives from the Agency the annual report of its finances and activities to.	Art. 44 of the Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03
		Specific ministers (e.g. Media, finance, etc.)	No	N/A	N/A

Country	Body	Body accountable to		Accountability means	Legal basis
		Public at large	Yes	Having public consultations before making the rules and codes. Access to information, documents and decisions further to Freedom of Access to Information Act.	Art. 38 of the Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03 Freedom of Access to Information Act , Official Gazette no 28/00
		Other	Yes	Industry. Having public consultations before making the rules and codes.	Art. 38 of the Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03

Table 29 - Reporting obligation

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved ?	Link
Bosnia and Herzegovina	Communications Regulatory Agency	Council of Ministers of Bosnia and Herzegovina	Annual	Annual report of Agency's finances and activities	Yes	Yes	No	Article 44 of the Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03

Table 30 - Auditing of work undertaken

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Bosnia and Herzegovina	Communications Regulatory Agency	Yes	Annual	Yes State Audit (mandatory)	Yes But optional. Based on the Law on Communications, the Agency may decide to engage an independent auditor	No	Art. 44 of the Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03

Table 31 - Power to overturn/instruct

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Bosnia and Herzegovina	Communications Regulatory Agency	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03.
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No	"Neither the Council of Ministers, nor individual Ministers nor any other person shall in any way interfere in the decision-making of the Agency in individual cases". Article 36 of the Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision) ?	N/A	N/A	N/A	N/A	N/A	
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	N/A	N/A	N/A	N/A	N/A	

Table 32 - Number of stages in appeal procedure

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage	Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Bosnia and Herzegovina	Communications Regulatory Agency	Internal	1 Council of the Agency	Yes The Council of the Agency acts as an appellate body for decisions of the Director General.	A party interested in administrative procedure, if unsatisfied with the first instance decision by Director General of the Agency	Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03.
		External	1 Court of Bosnia and Herzegovina (except if a violation of human rights is involved, in which case, it is possible to lodge an appeal before the constitutional court, and then to the European court of human rights.		A party interested in administrative dispute, if unsatisfied by the second instance decision by the Council of the Agency	Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03.

Table 33 - Does the regulator's decision stand pending appeal?

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Bosnia and Herzegovina	Communications Regulatory Agency	√			N/A

Table 34 - Accepted grounds for appeal

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Bosnia and Herzegovina	Communications Regulatory Agency	√	√	√	N/A

Table 35 - Does the appeal body have power to replace the original decision with its own?

Country	Body	Appeal stage	Yes	No	Comments
Bosnia and Herzegovina	Communications Regulatory Agency	Internal: 1 Council of the Agency	√		N/A
		External: 2 Court of Bosnia and Herzegovina	√		Court of Bosnia and Herzegovina, except if a violation of human rights is involved, in which case, it is possible to lodge an appeal before the constitutional court, and then to the European court of human rights.

VII. PROCEDURAL LEGITIMACY

Table 36 - External advice regarding regulatory matters

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Bosnia and Herzegovina	Communications Regulatory Agency	Specifically, no, but there is a possibility for this.	There were no cases up to now.	Yes	-	No

Table 37 - Public consultations

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Bosnia and Herzegovina	Communications Regulatory Agency	All codes and rules on broadcasting and telecommunications provided for in the Law on Communications	Yes. Regulated industry, government and all relevant institutions depending on the area covered by the rules, as well as wider public	Not less than 14 days	No	No	Article 38 of the Law on Communications Official Gazette no 31/03. Rules of public consultation in preparation of legal acts of the Council of Ministers of BiH www.ads.gov.ba/v2/index.php?option=com_content&view=article&id=98%3Apravila-za-konsultacije-u-izradi-pravnih-propisa&catid=40%3Aother-documents&Itemid=92&lang=bs

Table 38 - Public consultations – figures

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Bosnia and Herzegovina	Communications Regulatory Agency	2009	1 (consultations on revised Rule on licensing terrestrial broadcasting)
		2008	3 (consultations on the revised Broadcasting Code of Practice, Rule on Licences for Audiovisual Service Providers and Rule on distribution of audiovisual content)
		2006	1 (consultations on Advertising and Sponsorship Code)

Table 39 - Publication of regulator's decisions

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Bosnia and Herzegovina	Communications Regulatory Agency	Not specified in the law	Law on Administrative Procedure The decision is reported to the public by a press release. But the document itself including the reasoning has not been published. In addition, all decisions are available in Agency's annual reports and upon request, further to Freedom of Access to Information Act.	No	No

VIII. COOPERATION

Table 40 - Cooperation with other regulatory authorities

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Bosnia and Herzegovina	Communications Regulatory Agency	Cooperation with self regulatory body for the print media (Press Council)	ad-hoc	No	

Table 41 - International cooperation

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Bosnia and Herzegovina	Communications Regulatory Agency	<p>When it comes to the broadcasting sector, Communications Regulatory Agency is a member of:</p> <ul style="list-style-type: none"> • EPRA (European Platform of Regulatory Authorities) • RIRM (Mediterranean Network of Media Regulatory Authorities). • The Western Balkans Protocols of Cooperation • bilateral cooperation with other national regulatory bodies from the region. • as member of Council of Europe, Communications Regulatory Agency represents BiH in all CoE activities related to audio-visual sector. 	<p>Statutes of the European Platform of Regulatory Authorities Board Association (available at www.epra.org)</p> <p>Charter of the Mediterranean Network of Media Regulatory Authorities (available at www.rirm.org)</p> <p>The Western Balkan countries signed Protocols of Cooperation between their broadcasting regulatory bodies and their public broadcasters.</p>	