

# 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 – Montenegro

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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)
Montenegro	20 channels with local or regional coverage <a href="http://www.ardcg.org">www.ardcg.org</a>	Not regulated	2 TV channels with national coverage 3 TV channels with local coverage <a href="http://www.ardcg.org">www.ardcg.org</a>

**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
Montenegro	<p><u>Audiovisual laws</u></p> <p>Montenegro has not yet implemented the AVMS Directive. It is expected that Electronic Media Law would be adopted during 2010 and ensure the transposition of most of the AVMSD provisions.</p> <p>Main broadcasting act:</p> <ul style="list-style-type: none"> <li>Broadcasting Law from 2002. Significantly amended in 2008 through the Electronic Communications Law and the Law on national PSBs (RTCG).</li> <li>Bylaws adopted by the Broadcasting Agency and regulating advertising and teleshopping, program standards (protection of minors, hate speech)</li> </ul> <p>Nonconsolidated version of the Broadcasting Act could be downloaded from the Agency web site <a href="http://www.ardcg.org">www.ardcg.org</a>. The bylaws adopted by the Agency are also available on its website.</p> <p><u>Regulatory bodies</u></p> <p>The Broadcasting Agency of Montenegro is in charge of overseeing the application of the national rules implementing the TWF Directive by commercial broadcasters, non-linear audiovisual services providers and public service broadcasters (PSB).</p> <p><i>Official Gazette of the Republic of Montenegro”, No. 51/02, 62/02, 46/04, 56/04, 77/06, “Official Gazette of Montenegro”, No. 50/08, 79/08, 53/09)</i></p>				

**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
Montenegro	Broadcasting Agency of Montenegro	<a href="http://www.ardcg.org">www.ardcg.org</a>	2003	Podgorica

**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)
Montenegro	Broadcasting Agency of Montenegro <a href="http://www.ardcg.org">www.ardcg.org</a>	Yes	No	Yes	No	No	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
Montenegro	Broadcasting Agency of Montenegro	17	18 (17 + 1 trainee)	Not foreseen in the law	Total income €1,015,837.76 Total expenditure €860,089.33	Annual Report for 2008

## 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
Montenegro	The Council of the Broadcasting Agency	Broadcasting Law from 2002. Nonconsolidated version of the Broadcasting Act could be downloaded from the Agency website <a href="http://www.ardcg.org">www.ardcg.org</a> <i>Official Gazette of the Republic of Montenegro</i> , No. 51/02, 62/02, 46/04, 56/04, 77/06, "Official Gazette of Montenegro", No. 50/08, 79/08, 53/09)	Broadcasting Law Statute of the Broadcasting Agency <a href="http://www.ardcg.org">www.ardcg.org</a>

**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
Montenegro	Broadcasting Agency of Montenegro	A separate legal entity (independent regulatory authority)	Yes			The Broadcasting Law (Article 5)

**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	
Montenegro	Broadcasting Agency of Montenegro		√	The Broadcasting Law (Articles 2, 5)

### 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
Montenegro	Broadcasting Agency of Montenegro	Tick boxes	√	√	√
		Areas	<ul style="list-style-type: none"> <li>• Strategy For The Broadcasting Sector Development</li> <li>• Quotas (Advertising And Teleshopping, European works, Independent production)</li> <li>• Protection Of Minors Standards</li> <li>• Watershed periods and labelling</li> <li>• Major Events</li> <li>• Short Reporting</li> <li>• Sanctioning</li> <li>• Media Concentration prevention</li> <li>• Licensing</li> <li>• Viewer/listeners Complaints</li> </ul>	Same as in first column	Same as in first column

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
			procedure <ul style="list-style-type: none"> <li>Fees payable by broadcasters</li> <li>Copyright legislation enforcement</li> </ul>		
		Source	General act and specific legislation Broadcasting Law Statute of the Agency Copyright and Related Rights' legislation Law on Copyright and Related Rights (Official Gazette of Serbian and Montenegro, No. 61/04), Law on Application of Regulations on the Intellectual Property Protection (Official Gazette of the Republic of Montenegro, No. 45/05).	Same as in first column	Same as in first column

**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)
Montenegro	Broadcasting Agency of Montenegro	Quotas	√	√	√	√		Broadcasting Law
		Advertising	√	√	√	√		Broadcasting Law
		Protection of minors	√	√	√	√		Broadcasting Law
		Media Concentration prevention	√	√	√	√		Broadcasting Law
		Copyright	√	√	√	√		Copyright and Related Rights' legislation Law on Copyright and Related Rights (Official Gazette of Serbian and Montenegro, No. 61/04) Law on Application of Regulations on the Intellectual Property Protection (Official Gazette of the Republic of Montenegro, No. 45/05).

**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
Montenegro	Broadcasting Agency of Montenegro	Quotas (all sanctions are discretionary within the boundaries of the law)	√	√ (twenty-fold to fifty-fold minimum salary in the Republic, i.e. (€1,100 – €2,750))	√	√	√	A fine shall be imposed by the Agency upon the broadcaster that: 1) in spite of the warning violates the obligation prescribed by this Law or by the regulation of the Agency based on this Law. 2) violates the obligations related to the terms and quotas for the broadcasting of advertisements, prescribed by the Agency.
		Advertising	√	√ (twenty-fold to fifty-fold minimum salary in the Republic, i.e. (€1,100 – €2,750))	√	√	√	
		Protection of minors	√	√ (twenty-fold to fifty-fold minimum salary in the Republic, i.e. (€1,100 – 2,750€))	√	√	√	

**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
Montenegro	Broadcasting Agency of Montenegro	√	√	√	√	√	√	√
Note: this data is related to the implementation of the Directive TV without frontiers and not the AVMSD.								

**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)
Montenegro	Broadcasting Agency of Montenegro	√	√	√	No Revocation can only take place in defined circumstances which have to take place.	No

**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
Montenegro	Broadcasting Agency of Montenegro	Yes This Book of Rules prescribes, in compliance with the Broadcasting Law, the rules and procedures for processing the complaints of legal and natural persons about the work of broadcasters, radio and TV programme distributors, Public Enterprise for Transmission and Broadcasting of Radio and TV Signals, and in other cases of the breach of stipulations of the issued licence, Decisions and other regulations of the Broadcasting Agency.	Book of Rules On Complaints Procedure in Cases Of Breach Of Stipulations Of The Issued Licence, Decisions And Regulations Of The Broadcasting Agency <a href="http://www.ardcg.org">www.ardcg.org</a>

#### 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)		
Montenegro	Broadcasting Agency of Montenegro	The Council of the Broadcasting Agency of Montenegro	5	Yes 2 40% (Media and human rights NGOs) They are required to act in an independent manner (art. 17 of the law)	Yes 1 20% They are required to act in an independent manner (art. 17 of the law)	No	Yes 1 20% (Associations of broadcasters) They are required to act in an independent manner (art. 17 of the law)	Yes 1 20% (University) They are required to act in an independent manner (art. 17 of the law)	No	No	The Broadcasting Law

**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?
Montenegro	Broadcasting Agency of Montenegro	The Agency is competent to determine its internal organisation and procedures and it has a decision making power on human resources.	The Agency Council adopts valid decisions provided that the majority of the total number of members is present at the session. Decisions are adopted by majority vote of the total number of the Agency Council Members. The chairman does not have a casting vote.	Yes	The agendas and minutes of the Agency Council are not published but they are available upon request.

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
			Article 23 of the Broadcasting Law		

**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
Montenegro	Broadcasting Agency of Montenegro	Board members	Yes	The Council Members are proposed by authorized nominators, namely the Government of the Republic of Montenegro, the University of Montenegro, the Associations of Broadcasters in Montenegro (excluding associations of public broadcasting services), non-Governmental Organizations and citizens' associations involved in the protection of human rights and freedoms and non-Governmental Organizations in charge of	The Parliament of Montenegro appoints all five Council Members.	See Appendix 1	The Broadcasting Law

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
				the media.			
		Director	No	N/A	The Broadcasting Agency board appoints the director	No	The Broadcasting Law
<p>NOTE: The Electronic Media Law is being prepared and its adoption is expected for 2010. This legislation might change the procedure described in the table above in relation o the Council of the Agency.</p>							

**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
Montenegro	Broadcasting Agency of Montenegro	Chairman of the board & Board members	5	Yes	Yes, once	The Broadcasting Law
		Director	5	No	Not regulated	The Broadcasting Law

**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
Montenegro	Broadcasting Agency of Montenegro	Chairman of the board & Board members	Prominent professionals in the fields relevant for the broadcasting activities (telecommunication, media, law, economy, etc.).		The Broadcasting Law
		Director	Minimum University Degree	At least 5 years of work experience	

**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						
Montenegro	Broadcasting Agency of Montenegro	Chairman & Board members	Yes		Board members cannot be members of the government	Board members cannot be members of Parliament, city council members or officials of political parties.	Board members cannot, as stakeholder, member of managing bodies, employees, have an interest in companies involved in the production and/or broadcasting of radio/television programmes and in other related activities (advertising, telecommunications, etc.), in a way that may result in the conflict of interests	No information available	No information available	The Broadcasting Law (Article 14)

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						
		Senior staff	Yes		Same as above					

**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				
Montenegro	Broadcasting Agency of Montenegro	Chairman & Board members	Yes		On top of rules for the appointment process (table 20), Council Member cannot represent their nominator, but perform their duty independently according to their own knowledge and conscience. Nobody has the right to influence the work of the Council Members in any way, nor are they obliged to take into account anybody's instructions regarding their work.		The Broadcasting Law (Article 17)	
		Senior staff Director	Yes					

**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		
Montenegro	Broadcasting Agency of Montenegro	Chairman & Board members		No		The Broadcasting Law (Article 15)
		Senior Staff		No		These issues are partially regulated by the Code of Conduct in the Agency (see Appendix 3). The code has to be observed by both Council members and the staff of the Agency

**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				
Montenegro	Broadcasting Agency of Montenegro	Chairman & Individual board members	Yes		Decision to be adopted by the appointer of the board member. The decision then needs to be ratified by Parliament	1) because of illness, attested by a competent medical institution, they are not able to perform duty for the period longer than 6 months 2) Submitted inaccurate personal data or omitted to reveal the data that are of relevance for the possible appointment, before appointment, 3) Incompatibility with another position during the term of the Agency Council member 4) fail or refuse to perform duty during the period of at least 6	No information available	The Broadcasting Law (Articles 17 to 19)



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				
						consecutive months, or if during one year they failed to perform their duty for at least 6 months without sufficient reason or approval of the Agency Council.		

**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		
Montenegro		2009	Chairman				No information available
			Individual board members	Yes		Personal reasons	
		2008	Chairman				No information available
			Individual board members		No		
		2007	Chairman		No		
			Individual board members		No		
		2006	Chairman				No information available
			Individual board members		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
Montenegro	Broadcasting Agency of Montenegro	No	No	No	No	Yes	No	Broadcasting Law As of Jan. 1, 2009 the Broadcasting Agency has no stable and sustainable sources of income. Spectrum fees, Authorisation/licence fees paid by operators, 'market surveillance fee' based on % of market players' revenues were some of the incomes that used to be funding sources before January 1, 2009.

**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
Montenegro	Broadcasting Agency of Montenegro	The Financial Plan is proposed by the Council of the Agency. The Financial Plan is approved by the Parliament.	Yes	Not regulated	Not regulated	Broadcasting Law Law on Budget of Montenegro According to the Broadcasting Law from 2002, the Council of the Agency was entitled to adopt the Financial Plan. With the amendments to the Law on Budget (2009) this was changed and this competence moved to the Parliament of Montenegro.

**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?					Legal basis
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	
Montenegro	Broadcasting Agency of Montenegro	Yes	Annual	No	Yes	No	Broadcasting Law

## 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
Montenegro	Broadcasting Agency of Montenegro	Parliament	Yes	Submit proposal of the annual financial plan for the next year (art. 23. Para 3 Law on Budget). Submit the proposal of the annual financial report with the annual activity report for the previous year before April 30 of the current year (art. 50. Paras 2 and 3 Law on Budget).	Law on Budget
		Government as a whole	No	N/A	N/A
		Specific ministers (e.g. Media, finance, etc.)	Yes	Submit the Financial Report to the Ministry of Finance (Article 53 Para 1 Law on Budget).	Law on Budget
		Public at large	Yes	<p><i>Article 8</i></p> <p>In order to carry out the broadcasting development strategy, the Agency shall adopt instructions in accordance with the European standards in compliance with principles contained in the Article 3 of this Law.</p> <p>Instruction shall be adopted with the aim to regulate in detail the relations and procedures regulated by the provisions of this Law in the cases of unauthorized practices of broadcasters that can refer to technical aspects of broadcasting, advertising, sponsorship, programme quotas, etc.</p> <p>The instructions shall be adopted transparently, along with obligatory public debate, and published in the "Official Gazette of the Republic of Montenegro".</p> <p><i>Article 21</i></p> <p>The Agency Council shall: ..... adopt and publicize operating reports and interim and annual statement of accounts of the Agency;</p>	Broadcasting Law

Country	Body	Body accountable to		Accountability means	Legal basis
				<p>....</p> <p><i>Article 22</i></p> <p>The activities of the Agency Council shall be public. The Agency Council shall meet when needed, at least once a month (regular session).</p> <p><i>Article 28</i></p> <p>..... The financial plan shall be public and publicized in the manner prescribed by the Agency Statute. All income and expenditure accounts of the Agency shall be subject to annual audit by the independent authorized auditor, hired by the Agency Council. The Agency is obliged to publish in the Operating Bulletin, not later than within three months from the end of the fiscal year, the annual operating report and the report of the authorized auditor on the annual account, as well as to make them available in a convenient manner to every interested party.</p>	
		Other	No	N/A	N/A

**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
Montenegro	Broadcasting Agency of Montenegro	Parliament	Annual See Table 28	Financial aspects and annual activity report	No	No	No	
		Public	Semi-annual and Annual See Table 28	Financial aspects, annual operating report and report of the independent auditor.	No	No	No	

**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
Montenegro	Broadcasting Agency of Montenegro	Yes	Annual	No	Yes	No	External auditing is regulated only for all income and expenditure accounts.

**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	
Montenegro	Broadcasting Agency of Montenegro	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	Broadcasting Law	
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No		
		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	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		instructions on political grounds)?						

**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
Montenegro	Broadcasting Agency of Montenegro	Internal	1	Director – first instance	Yes	See table 14	<i>No information available</i>
			2	The Council – second instance			
		External	1	Administrative Court		See table 31	
			2	Supreme Court			

**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
Montenegro	Broadcasting Agency of Montenegro			√	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
Montenegro	Broadcasting Agency of Montenegro	√	√	√	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
Montenegro	Broadcasting Agency of Montenegro	1 Administrative Court		√	The appeal body has the power to cancel the decision and remit it back to regulator for new decision.
		2 Supreme Court			
	External: 1 Supreme Court	<i>No information available</i>	<i>No information available</i>	<i>No information available</i>	

## 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?
Montenegro	Broadcasting Agency of Montenegro	No, but possible if included in the financial plan	N/A	Yes	-	It takes external advice but not on regular basis.

**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	
Montenegro	Broadcasting Agency of Montenegro	Public consultation is obligatory before the adoption of the bylaws, guidelines or similar documents related to the rights and obligations of the broadcasters	Not regulated, but good practice involves all of the mentioned groups.	Depending on the document being consulted about. Most frequently 30 days. If more complex document is concerned than several consultations might be ensured.	Not regulated Usually full responses (if authorised by contributor)		Broadcasting Law Best practice of the agency.

**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
Montenegro	Broadcasting Agency of Montenegro	2009	0
		2008	4
		2007	2
		2006	1
		2005	2

**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
Montenegro	Broadcasting Agency of Montenegro	Every decision to impose sanctions to broadcasters shall be published in the Agency’s Operation Bulletin and in other ways prescribed by the Agency Statute and the Law.	Yes Article 47 Broadcasting Law	Not regulated	Not regulated
		List of entities that have been granted the license for the transmission and broadcasting of radio and TV signals	No Article 37 Broadcasting Law	Not regulated	Not regulated
		The amount, manner of determination and manner of payment of broadcasters registration fee and fee for the licenses for transmission and broadcasting of radio and TV signals shall be determined by the regulations adopted by the Agency Council and shall be published in the “Official Gazette of the Republic of Montenegro”.	No Article 55 Broadcasting Law	Not regulated	Not regulated

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
Montenegro	Broadcasting Agency of Montenegro	Cooperation with the Agency for Electronic Communications And Post is an obligation regulated by the Broadcasting Law and the Law on electronic Communications	Ad-hoc manner	No	
		Voluntary cooperation with the Self-Regulatory body NST (Nezavisno samoregualtorno tijelo)	Ad-hoc manner	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
Montenegro	Broadcasting Agency of Montenegro	<p>The Agency is a member of EPRA - European Platform of Regulatory Authorities  <a href="http://www.epra.org">www.epra.org</a></p> <p>The agency also has extensive and long-term bilateral cooperation with several regulatory bodies in Europe, especially from the region.</p>	<p>Broadcasting Law (Article 7 Para 3):            With the aim to exchange experiences, advance its activities and conform with international experiences and standards, the Agency shall co-operate with adequate organizations of other states or with adequate international organizations.</p>	