

FUNDING AND GOVERNING MODELS
OF THE PUBLIC SERVICE MEDIA
IN THE COUNTRIES OF SOUTH EAST EUROPE

COMPARING MODELS AND DEMANDING REFORMS OF PUBLIC SERVICE MEDIA

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INTRODUCTION

The position of public service broadcasters in the media systems of the countries of South East Europe gives them, in theory, the best vantage from which to protect public service values in media operations and journalism. Since the end of 2012 when the regional partnership of civil society organisations was established under the name “South East European Media Observatory”, we have promoted this broad set of values, capturing them in the concept of media integrity. Media reforms are an urgent task for any democratic government in the region, but such reforms, including each reform policy and its measures, must be guided by the criterion of whether they strengthen these public service values in media and journalism: i.e., media integrity. Any such media reform with media integrity as a guiding principle needs to focus on public service broadcasters, making their governing and funding models as well as their professional standards completely congruent with media integrity principles.

At the end of the four-year period of SEE Media Observatory research and advocacy aimed at the promotion and implementation of media integrity principles, we have decided to collect information on the governing and funding models of public broadcasters in the countries included in the regional partnership.

1 The regional overview is based on data collected by researchers and coordinators in the SEE Media Observatory partner organisations, including Ilda Londo (Albania), Sanela Hodžić (Bosnia and Herzegovina), Monika Valečić and Saša Leković (Croatia), Borbála Tóth (Hungary), Isuf Berisha (Kosovo), Vesna Nikodinoska and Slavčo Milenkovski (Macedonia), Milena Perović Korać (Montenegro), and Dubravka Valić Nedeljković and Stefan Janjić (Serbia). In Slovenia, the data were provided by the International Cooperation Department of RTV Slovenia and reviewed by Sandra B. Hrvatin, Saša Panić and Branica Petković. Some data were generously provided by the EBU Media Intelligence Service. The financial data on PSM in all EBU countries were processed by Franja Arlič (Slovenia) to consider only the SEE countries.

**MEDIA
INTEGRITY
MATTERS**



Through a comparative overview, we seek to establish similarities and differences, as well as where good practices in the governing and funding models which empower the public media for serving the public interest and resisting political interference can be found. This regional overview can support media reform initiatives with useful comparative data.

Besides the countries that have been the focus of the SEE Media Observatory – the EU-enlargement countries of the Western Balkans and Turkey, in this regional overview we have also included Croatia, Hungary and Slovenia. However, owing to the extraordinary situation in Turkey since July 2016, we could not engage with the partner there to collect the requested data.

Therefore, the countries covered by the regional overview include Albania, Bosnia and Herzegovina, Croatia, Hungary, Kosovo, Macedonia, Montenegro, Serbia and Slovenia. In Hungary, the public service media system is very complex and differs from that in other countries. It was established by controversial media regulation in 2010. For certain elements of the governing and funding model, we could not sufficiently trace the comparable solutions in Hungary, as these would have been manifold and complicated.

In Bosnia and Herzegovina and Serbia, the public media system includes more than one public service media organisation. On the national level in Bosnia and Herzegovina, it is *BHRT*, and then in the two entities there are also *RTVFBiH* in the Federation and *RTRS* in Republika Srpska. In Serbia, the public service media organisation at the national level is *RTS*, and there is also a public service media organisation at the level of Vojvodina province – *RTV*. In our regional overview, we focus mostly on those public service media at the national level.

The European Broadcasting Union (EBU), an association of public service media in Europe, shared with us their data on the funding of their member organisations. In their reports, no data on Kosovo are available, since the public service media organisation in Kosovo has not been yet accepted into the EBU.

For this regional overview, we have decided to use the EBU terminology now commonly applied in EU documents and the latest regulations, which take into account that the services provided by public broadcasters now include online operations. Instead of the term “public service broadcasters” (PSB), which we used in all previous SEE Media Observatory studies, we are using the term “public service media” (PSM).

The situation of public service media displays every major problem of the media sector in the region. The grip of the partial political interests in which these institutions find themselves is so strong that their operations constitute a kind of barometer for the state of media freedom. While most states covered by our analysis have continually modified their laws to secure greater independence for the public service media, the practical application of these laws has proven impossible because of political pressures aimed at preventing the enforcement of public interest. Hit by a decrease in their economic influence in the emerging commercial media market, these media initiated a transition from state-run to public-service. However, they have failed to connect with the public. The formerly state-run media outlets, albeit transformed at the formal level into public service media, were quickly taken over by political elites. This gave rise to a specific form of party domination within media, where the governing, managing and editorial positions were reserved for personnel loyal to those in power. In Bosnia and Herzegovina, the international community launched several initiatives, starting as far back as 2000, to get a new public broadcasting service off the ground — which never happened. To make matters worse, in 2016 a shortage of financial resources coupled with a complete political blockade in managing basic institutional operating conditions nearly forced *BHRT*, a joint Bosnian-Herzegovinian public service, to stop broadcasting.

An inspection of the institutional mechanisms aimed at ensuring public service media independence reveals a plethora of inventive ways to curb the influence of the public, and to enable political incursions into management structures whenever a change in government occurs. There are inadequate methods for resolving conflicts of interest involving people in the governing and managing bodies who shun their intended roles as protectors of the public by acting as extensions of political groups.

There are glaring misunderstandings of the role of public service media, as well as financial inefficiency that results not only from inherited organisational dysfunctions but also from a disregard for the economic character of media markets now thoroughly deformed. Add to that the innumerable instances of reckless tampering with laws gives rise to an unstable legal environment and erodes the very foundations of public service media independence, and it becomes clear that the establishment of functioning public service media will be crucial to ensuring media integrity. In countries with powerful public service media that assume a leading role in setting professional media standards, other media follow suit, conducting themselves in a much more professional manner and with greater sensitivity to the communication needs of the people. A comparison of the legal status of public service media in the countries analysed shows that, while legal mechanisms of organisational independence do exist, hardly any legal provisions are in place to make said independence a

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reality. What is at fault, of course, are the methods of media funding and the resulting trend of constant decrease in the funds required by the media to meet their legal programming obligations. Instead of making media more dependent on the public through systematic support for efficient licence fee collection, some countries (occasionally with support from the public service media governing officials) are opting to fund public service media from state budgets. On the one hand, these trends are fuelled by campaign promises of certain political parties, but on the other, they are accelerated by the inability of the media themselves to explain to the public the significance of public service media in an increasingly fragmented and commercialised media environment.

Part of that story includes the current attempts of some political campaigners in Slovenia to abolish the licence fee and diminish the public service media. In addition to that, wherever a large proportion of the population are surviving near the poverty line, to decrease licence fees or abolish them altogether is to commit a case of extreme demagoguery, where one is “saving money” at the expense of the citizens’ right to be informed. In lieu of a serious examination of the fact that this basic human right has become financially unattainable for many citizens, and that by favouring the commercial sector the state has made that right a hostage to advertising, public service media are frequently abused to attain short-term political goals. The relationship is mutual, of course.

Public service media have never learned to respect the people. Far from basing their organisational and programming operations on responsibility to the public and to their employees, they have adopted practices that often resulted in the opposite: e.g., in non-transparent use of public funds, in murky, cronyist methods of acquiring external programming, in non-transparent advertising contracts and in the irregular employment status of many media workers. For the most part, the programming standards meant to insure internal and external mechanisms of control over the media’s programming and business practices are simply not applied. While many countries have prepared the necessary legal grounds, these standards either fail to function or get utilised in retaliation against individual reporters or programmes.

If a public media outlet’s sole addressee is the political sphere, then it should not wonder at the absence of public support when politics chooses to infringe upon its independence. Current developments in Serbia, Montenegro and Croatia indicate clearly just how vulnerable public service media are to political pressure, and how indispensable public support is to their endeavours.

What is to be done? It is up to the state to ensure the institutional autonomy of public service media through the legal framework, most importantly in terms of their governing and financing. Public service media are the last path of mass communication left to the public. The privatisation of that path by any partial interest (be it political, economic, or rooted in the particular interests of civil society segments) is unacceptable. The communal enactment of the people’s communication rights must be made central to the public debate. Therefore, the

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efficient operation of public service media must be continuously developed and maintained, as must the mechanisms that inscribe media integrity into their very foundations. The public interest, on which most countries base their media policy legislation, must ceaselessly translate to a direct dialogue between public media and the public. To paraphrase John Stuart Mill, a state is only worth as much as the public service media operating in it. A state which dwarfs its public service media, in order that they may be more docile instruments in its hands, “will find that with small men no great thing can really be accomplished”.

2 FUNDING MODELS OF PUBLIC SERVICE MEDIA IN SOUTH EAST EUROPE

2.1 OVERALL BUDGET OF PUBLIC SERVICE MEDIA

Public service media in the region are considered large media organisations with substantial budgets, particularly in comparison to other media in these countries.

Among nine countries included in our regional overview, the public service media system in Hungary has the largest budget – 290,220,000 euro. It is followed by PSM in Croatia (182,860,000 euro) and Slovenia (126,950,000 euro), while PSM in Albania (16,470,000 euro) and Montenegro (12,570,000 euro) had the smallest budgets.² These data refer to 2014 and were released by EBU, based on information provided by their member organisations. We also collected the 2015 data for most countries. In Kosovo, according to our research, the 2015 budget of RTK, the public service media organisation in that country, was 12,269,000 euro.

Even in case of the public service media organisation with the biggest budget in the region, it is much lower than the EBU average, which amounted to 750.83 million euro in 2014. This average budget is highlighted in the EBU report on the 2014 funding of public service media organisations in 46 European countries.

The sum of the budgets of all public service media in the nine countries presented in this regional overview is around 800 million euro. Without Hungary, it is around 500 million euro: i.e., that is the approximate amount spent annually for public service media operations in eight countries of the Balkans (in 2014/2015).

Taking into account the 2014 budgets of public service media in Europe, Hungary takes 19th place among 46 European countries, Croatia 22nd, Slovenia 24th, Serbia 27th, Macedonia 35th, Bosnia and Herzegovina 37th, Albania 38th and Montenegro 40th place.³ The biggest budget among public service media organisations in Europe pertains to the PSM in Germany – 9 758.87 million euro (2014) and in the UK – 7 230.66 million euro (2014).

² No data on Kosovo available.

³ See Funding of Public Service Media 2015, EBU, December 2015.

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Table 1 OVERALL BUDGET OF PUBLIC SERVICE MEDIA ORGANISATIONS IN SEE (IN EURO)

COUNTRY		2014	2015
ALBANIA	*	16,470,000	18,078,571
BOSNIA AND HERZEGOVINA	BHRT * RTRS RTVFBIH	19,520,000 12,740,000 NO DATA	BHRT 17,350,000 RTVFBIH 13,850,000 RTS NO DATA
CROATIA	*	182,860,000	183,087,000
HUNGARY	*	290,220,000	NO DATA
KOSOVO		NO DATA	12,269,000
MACEDONIA	*	21,540,000	20,855,000
MONTENEGRO	*	12,570,000	14,693,111
SERBIA	RTS * RTV	95,740,000 NO DATA	RTS 75,064,210 RTV 17,773,660
SLOVENIA	*	126,950,000	127,331,047

Source: The figures marked with an asterisk (*) are taken from the EBU report “Funding of Public Service Media 2015”, and others were collected by the SEE Media Observatory researchers from the annual reports of PSMs in their countries.

Expressed as percentage of GDP, budgets of PSMs in most of the countries of South East Europe tend to be above the EBU average. The EBU average for 46 countries is 0.19 percent. For example, in 2014, the PSM budget in Croatia represented 0.42 percent of the country’s GDP; 0.37 percent in Montenegro; 0.34 percent in Slovenia, followed by PSM in Serbia/RTS (0.29 percent), in Hungary (0.28 percent) and Macedonia (0.25 percent).⁴

Table 2 TOTAL FUNDING AS A PERCENTAGE OF GDP (2014)

COUNTRY	%
ALBANIA	0.16
BOSNIA AND HERZEGOVINA	0.14
CROATIA	0.42
HUNGARY	0.28
KOSOVO	NO DATA
MACEDONIA	0.25
MONTENEGRO	0.37
SERBIA	0.29
SLOVENIA	0.34

THE DATA FOR BOSNIA AND HERZEGOVINA AND SERBIA REFER TO THE MAIN PUBLIC SERVICE MEDIA ORGANISATION IN EACH COUNTRY - BHRT AND RTS.

Source: Funding of Public Service Media 2015, EBU, December 2015.

Comparing the overall budgets of public service media organisations in the region and the size of each country’s population enables us to see the differences in the PSM budget per inhabitant. In 46 European countries, the average PSM income per inhabitant is 46.31 euro. Less populated countries in Europe tend to have higher PSM funding per inhabitant. In the region, the highest funding per capita pertains to the public service media in Slovenia, with figures

⁴ No data on Kosovo available.

significantly above the EBU average. The lowest is found in the public service media in Bosnia and Herzegovina (*BHRT*) and Albania.

Table 3 TOTAL FUNDING OF PUBLIC SERVICE ORGANISATIONS PER CAPITA (2014)

COUNTRY	EURO
ALBANIA	5.94
BOSNIA AND HERZEGOVINA	5.04
CROATIA	43.17
HUNGARY	29.38
KOSOVO	NO DATA
MACEDONIA	10.41
MONTENEGRO	20.14
SERBIA	13.36
SLOVENIA	61.60

THE DATA FOR BOSNIA AND HERZEGOVINA AND SERBIA REFER TO THE MAIN PUBLIC SERVICE MEDIA ORGANISATION IN EACH COUNTRY - BHRT AND RTS.

Source: Funding of Public Service Media 2015, EBU, December 2015.

In the period between 2010 and 2014, public service media organisation in Macedonia saw the largest budget increase (81.4 percent), followed by Albania (66.6 percent). At the same time the Bosnian-Herzegovinian *BHRT* saw the largest drop in budgetary funds in the observed period (-15.9 percent), followed by the PSM in Croatia (-5.2 percent).⁵ The average in 46 countries included in the European Broadcasting Union is 4 percent.

Table 4 TOTAL PSM FUNDING EVOLUTION (2010-2014)

COUNTRY	%
ALBANIA	66.60
BOSNIA AND HERZEGOVINA	- 15.90
CROATIA	- 5.20
HUNGARY	COUNTRY NOT INCLUDED, OR NO COMPARISON POSSIBLE
KOSOVO	NO DATA
MACEDONIA	81.40
MONTENEGRO	COUNTRY NOT INCLUDED, OR NO COMPARISON POSSIBLE
SERBIA	17.50
SLOVENIA	- 4.90

THE DATA FOR BOSNIA AND HERZEGOVINA AND SERBIA REFER TO THE MAIN PUBLIC SERVICE MEDIA ORGANISATION IN EACH COUNTRY - BHRT AND RTS.

Source: Funding of Public Service Media 2015, EBU, December 2015.

IN THE PERIOD BETWEEN 2010 AND 2014, PUBLIC SERVICE MEDIA ORGANISATIONS IN MACEDONIA SAW THE LARGEST BUDGET INCREASE (81.4 PERCENT), FOLLOWED BY ALBANIA (66.6 PERCENT).

2.2 LICENCE FEE

A licence fee for public service media is collected from households in six of the countries captured by the survey – Albania, Bosnia and Herzegovina, Croatia, Macedonia, Serbia and Slovenia – while in Hungary, Kosovo and

⁵ No data on Kosovo available. No comparable data on Hungary and Serbia available.

Montenegro, fees are not collected. In Kosovo, for instance, the law envisages licence fees as a major source of the PSM’s income, but since the collapse of the collection system in 2009, the PSM is funded mostly through the state budget.

In those countries where the fees are collected, they represent proportionally the largest stream of revenue for PSM systems, but in all six countries the law allows for other sources of income. For example, all PSMs are entitled to advertising income. Other streams of revenue may include financial support from the state budget, commercial exploitation, sales of programming and donations.

With the exception of Bosnia and Herzegovina, in all countries which collect the licence fee, the law determines the entities liable to pay the licence fee and the manner of collecting the fee. The law in Bosnia and Herzegovina lays down liable entities, but the way in which the fee is to be collected is left to the decision of the Board of the PSM system.

Similarly, in five countries the amount of the licence fee is set out in the law, while the legislation adopted in Bosnia and Herzegovina stipulates that the amount be proposed by the Communication Regulatory Agency once every five years, and the parliament sets the amount of the licence fee.

In four countries the amount of the licence fee is to be adjusted automatically to certain economic indicators. For example, Bosnia and Herzegovina links the change in the amount of the applicable licence fee to the inflation rate, Croatia to 1.5 percent of the average monthly salary in the country, and Macedonia to the cost of living. While in Serbia the adjustment to cost of living will be applied from 2017, in the other three countries the amount of licence fees has seen no adjustment in several years. For example, Croatia cites the recession as the reason for fixing the fee. In Slovenia, for instance, the fee is not adjusted automatically, but it is up to the government to decide any increase in the licence fee, up to 10 percent, provided that there are justified reasons for doing so.

All countries collect the licence fees on a monthly basis. In Croatia and Slovenia, the licence fee is collected directly by PSM organisations, in Albania, Macedonia and Serbia by other agencies, while Bosnia and Herzegovina has a mixed system in place. There, the largest share of the fees is collected by telecommunication operators, while internal services of RTVFBiH and RTRS collect the license fees from those households that do not pay the fees through land-line phone bills.

ALL COUNTRIES COLLECT THE LICENCE FEES ON A MONTHLY BASIS. ONLY IN CROATIA AND SLOVENIA, THE LICENCE FEE IS COLLECTED DIRECTLY BY PSM ORGANISATIONS.

Chart 1 LICENCE FEE COLLECTION



*MOSTLY THROUGH TELECOMMUNICATION OPERATORS, AT RTRS AND RTVFBiH PARTLY BY INTERNAL SERVICES.

In all six countries there are institutions and population groups that are exempt from payment of the licence fee. In Albania these include education and public health institutions and boarding houses of public schools, while in Croatia certain groups of persons with disabilities. In Macedonia, Serbia and Slovenia, for example, social benefits beneficiaries and some groups of persons with disabilities are, among others, exempt from the licence fee.

Albania has the smallest fee, with around 70 euro cents per month, while Slovenia has set the highest, at 12.75 euro, followed by Croatia with around 11 euro, Bosnia and Herzegovina with around 3.8 euro, Macedonia with around 3 and Serbia with around 1.2 euro.

Four countries have a licence fee collection rate of over 90 percent. Albania seems to be the most successful with 99 percent (2015), where the collection rate has improved significantly with the overall improvement in the collection of electricity bills, considering that a few years ago it was 30 percent. Serbia is next, with 94 percent of fees being collected (June 2016); Croatia and Slovenia follow, with around 92 percent each (2014 and 2015 respectively). Macedonia collected 75.8 percent of the fees in 2015, while Bosnia and Herzegovina was the poorest performer, with slightly over 50 percent of fees collected in 2015.

Licence fees represent, proportionally, the largest stream of PSM revenue in all countries where such fees are collected. In Albania, the licence fee represented 45 percent (2015) of the PSM's income, while in Croatia, on the other side of the spectrum, it totalled 85.56 percent (2014) of the total income. In Kosovo, for instance, 72.3 percent of the total income of the PSM came from the licence fee in 2009, the last time the fee was collected.

Table 5 PERCENTAGE OF INCOME FROM LICENCE FEES IN THE PSM TOTAL BUDGET/INCOME

COUNTRY			%
ALBANIA		2015	45.00
BOSNIA AND HERZEGOVINA	BHRT	2015	59.84
	RTRS	2014	46.75
	RTVFBiH	2015	62.70
CROATIA		2014	85.56
HUNGARY			N/A
KOSOVO			N/A
MACEDONIA		2015	65.80
MONTENEGRO			N/A
SERBIA	RTS	2014	* 44.00
	RTV	2014	* 45.00
SLOVENIA		2015	73.40

* IN THE COURSE OF 2014, LICENCE FEE COLLECTION WAS HALTED IN SERBIA, AND IN 2015 IT WAS NOT COLLECTED.

ALBANIA HAS THE SMALLEST FEE, WITH AROUND 70 EURO CENTS PER MONTH, WHILE SLOVENIA HAS SET THE HIGHEST, AT 12.75 EURO, FOLLOWED BY CROATIA WITH AROUND 11 EURO, BOSNIA AND HERZEGOVINA WITH AROUND 3.8 EURO, MACEDONIA WITH AROUND 3 AND SERBIA WITH AROUND 1.2 EURO.

Among the recent changes, the licence fee was reduced by 50 percent for a certain category of liable persons in Croatia – as a measure to assist retired persons with a monthly income below 1,500 HRK (around 200 euro). After announcements on the abolition of the licence fee had come from high positions in the Serbian government in 2013, the next year saw historically low rates of fees collected, thus threatening the existence of the PSM system. A special law

was adopted in 2015 which fixed the amount of the licence fee for 2016 to 150 RSD per month (approx. 1.2 euro), compared to 500 RSD previously. According to the EBU report, the reduced fee was a temporary agreement for 2016 only. It is to be increased again to guarantee PSM in Serbia a stable and independent source of funding.⁶

Table 6 MONTHLY LICENCE FEE

COUNTRY	EURO*
ALBANIA	0.70
BOSNIA AND HERZEGOVINA	3.80
CROATIA	11.00
HUNGARY	N/A
KOSOVO	N/A
MACEDONIA	3.00
MONTENEGRO	N/A
SERBIA	1.20
SLOVENIA	12.75

* EXCEPT FOR SLOVENIA, THE AMOUNT OF THE LICENCE FEE HAS BEEN CONVERTED FROM THE NATIONAL CURRENCIES FOR THE PURPOSE OF THE REPORT; IT IS THEREFORE AN APPROXIMATE AMOUNT IN EURO.

Recently, a lower licence fee for all citizens was proposed in Croatia, while in Albania, Macedonia, Serbia and Slovenia, there were public voices requesting the abolition of the licence fee, but none of these countries saw changes in this regard. In Bosnia and Herzegovina, there is ongoing discussion about replacement of the existing system of fee collection, but no changes have yet been adopted.

According to the EBU report, “the licence fee was on average 11 euro per month and per household in the EBU area in 2015. Western European and Nordic countries are charging much higher licence fees than southern and eastern European countries.”⁷ However, two countries from our region are among ten countries in Europe with the highest licence fees for PSM paid by households. These ten countries include Switzerland, with the highest licence fee, followed by Denmark, Norway, Austria, Sweden, Germany, United Kingdom, Slovenia, Ireland and Croatia. In late 2015, the licence fee decreased in Germany and Switzerland. In Switzerland it decreased by one euro per month. It is now 35.1 euro per month. In Germany the licence fee decreased from 17.98 to 17.62 euro per month in late 2015.

2.3

STATE BUDGET

In all countries of South East Europe covered by our report, state funding of public service media is permissible. In Hungary, Kosovo and Montenegro, unlike in other countries, state funds represent the principal and by far the largest

⁶ See Licence Fee 2016, EBU, October 2016, p. 10.

⁷ Ibid.

source of income for national public broadcasters. Exceptionally, the Serbian PSM system was mostly funded from the state budget in 2015, allowing the PSM to establish an effective system of licence fee collection in 2016. The legislation in other countries generally provides for state funding of specific activities (e.g., programming aimed at their citizens living abroad, important educational, cultural, science or minority programming).

In five countries covered by this study, no state funds were earmarked to public broadcasters for digitalisation. In Slovenia, for instance, this is laid down in the law, but the PSM paid for digitalisation from its own resources. In Bosnia and Herzegovina, the state provided for equipment and infrastructure, but the broadcasters financed digitalisation of the technical capacity for producing and broadcasting of programming. In Macedonia and Montenegro, funds for digitalisation are directly provided to public broadcasters, while in Albania the state took on the role of guarantor for a loan obtained by the PSM to fund digitalisation. In Montenegro, the EU Delegation provided financial support for the PSM digitalisation, as well.

In the recent debates, an opposition party in Macedonia, for example, proposed the abolition of the licence fee and a shift to budget financing of the PSM. In Montenegro, where the PSM is mostly funded from the state budget, the government proposal included an increase in state funding, while in Kosovo, where the funding model is being discussed, the main ruling party and the PSM management support the continuation of the state financing for the PSM. Serbia and Slovenia saw, for example, initiatives proposing the abolition of licence fees, but no alternative models, including state financing, were on the table.

Chart 2 PRINCIPAL SOURCE OF PSM FUNDING



IN THE RECENT DEBATES, AN OPPOSITION PARTY IN MACEDONIA, FOR EXAMPLE, PROPOSED THE ABOLITION OF THE LICENCE FEE AND A SHIFT TO BUDGET FINANCING OF THE PSM.

2.4 ADVERTISING

Advertising money is a legitimate source of income for public broadcasters in all countries included in the survey. With the exceptions of Albania, where the same rules are in place for both public and commercial media outlets, in all other countries stricter rules regarding advertising apply to public broadcasters, compared to commercial entities.

In absolute terms, with amounts between 12 and 17 million euro per year, public broadcasters in Slovenia, Croatia, Serbia and Hungary⁸ earn the largest adver-

⁸ In Hungary, there are no exact data on advertising revenues, but this source of income is captured in the budget under “Commercial, property management and other revenues”.

tising income among the countries surveyed, while in Albania and Macedonia the advertising income of public broadcasters is less than 500,000 euro.

Indeed, in Albania and Macedonia this type of income represents only 2 percent of the total budget/income of public broadcasters. Proportionally, *RTVFBiH*, a part of the PSM system in Bosnia in Herzegovina, saw 25.5 percent of its budget/income coming from advertising in 2015, the largest share among the nine countries, followed by Serbian *RTS* (20.7 percent) and the *RTK* in Kosovo (18 percent).

Table 7 INCOME FROM ADVERTISING IN THE PSM TOTAL BUDGET/INCOME

COUNTRY		YEAR	%
ALBANIA		2015	2.00
BOSNIA AND HERZEGOVINA	BHRT	2015	8.96
	RTRS	2014	13.70
	RTVFBiH	2015	25.50
CROATIA		2014	7.65
HUNGARY		2014	6.00
KOSOVO		2015	18.00
MACEDONIA		2015	2.00
MONTENEGRO		2015	7.86
SERBIA	RTS	2015	20.70
	RTV	2015	3.10
SLOVENIA		2015	9.40

Source: Data collected by the SEE Media Observatory researchers from the PSM annual reports.

The PSM in Kosovo sells its commercial air time directly to advertisers, while in Croatia, Hungary and Slovenia this is done via advertising (media buying) agencies. Both models are in use in other countries included in the survey.

Table 8 PUBLIC SERVICE MEDIA DETAILED FUNDING MIX (2014)

COUNTRY	PUBLIC FUNDS	LICENCE FEE	ADVERTISING	OTHER COMMERCIAL INCOME	OTHER
ALBANIA	15 %	59 %	5 %	N/A	20 %
BOSNIA AND HERZEGOVINA	NO DATA	NO DATA	NO DATA	NO DATA	NO DATA
CROATIA	NO LABELS BELOW 3 %	86 %	8 %	3 %	NO LABELS BELOW 3 %
HUNGARY	81 %	N/A	4 %	3 %	12 %
KOSOVO	NOT INCLUDED IN THE EBU DATA	NOT INCLUDED IN THE EBU DATA	NOT INCLUDED IN THE EBU DATA	NOT INCLUDED IN THE EBU DATA	NOT INCLUDED IN THE EBU DATA
MACEDONIA	25 %	65 %	4 %	6 %	N/A
MONTENEGRO	85 %	N/A	12 %	4 %	N/A
SERBIA	60 %	18 %*	17 %	NO LABELS BELOW 3 %	NO LABELS BELOW 3 %
SLOVENIA	5 %	72 %	11 %	12 %	N/A

SUMS DO NOT ALWAYS ADD UP TO 100 % BECAUSE OF ROUNDING. THE DATA FOR BOSNIA AND HERZEGOVINA AND SERBIA REFER TO THE MAIN PUBLIC SERVICE MEDIA ORGANISATION IN EACH COUNTRY – BHRT AND RTS.

* COLLECTION OF THE LICENCE FEE IN SERBIA HALTED IN 2014.

Source: Funding of Public Service Media 2015, EBU, December 2015.

WITH AMOUNTS BETWEEN 12 AND 17 MILLION EURO PER YEAR, PUBLIC BROADCASTERS IN SLOVENIA, CROATIA, SERBIA AND HUNGARY EARN THE LARGEST ADVERTISING INCOME AMONG THE COUNTRIES SURVEYED, WHILE IN ALBANIA AND MACEDONIA THE ADVERTISING INCOME OF PUBLIC BROADCASTERS IS LESS THAN 500,000 EURO.

In some countries, such as Albania and Serbia, data on advertising money spent by the state or public companies are not readily available. Available data suggest that in Bosnia and Herzegovina, Hungary, Kosovo and Montenegro the state or public companies allocate advertising funds to public broadcasters in a non-transparent manner.

2.5

PSM SPENDING

Public service media in the South East European countries surveyed use different methods for collecting data on spending and, as a result, these data do not allow for an easy comparison of spending patterns across the nine countries. For example, data on spending broken down by organisational units set up within the public service media organisations are rarely available.

In Hungary, data on the budget line relating to salaries of PSM employees are also not available. With a view to other countries, *RTV*, a part of the Serbian PSM system, with 66.5 percent in 2015, and the PSM in Kosovo with 57.4 percent in 2015 are the only examples of public service media that spend more than half their budget on salaries. They are followed by the PSM in Montenegro, with slightly less than half the budget being spent on salaries (49.5 percent in 2015). Slovenian PSM spent 44.1 percent of the 2015 budget on salaries. Albanian PSM, with 35 percent and the PSM in Macedonia (32.89 percent in 2015) have the smallest share of the budget earmarked for employees' salaries.

Data on spending for programming production show that public broadcasters in Kosovo, at 33.4 percent in 2015 and Montenegro, at 29.8 percent in 2015, spent the largest share of the budget for the costs of programming production, compared to other countries where these data are available. In Macedonia (11.42 percent in 2015), the smallest share is spent for this purpose.

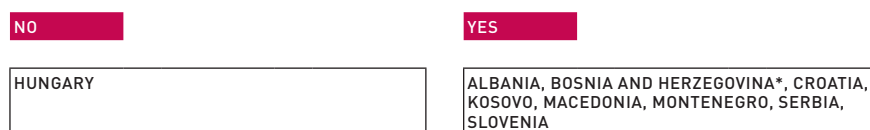
2.6

PSM FINANCIAL TRANSPARENCY

Among the countries surveyed, Hungary is the only country where reports relating to the financial performance of the PSM are not publicly available. On the other hand, in Slovenia detailed annual plans and reports of *RTV Slovenia* have been available on the PSM website for the past 10 years, including the main data on financial performance. Public release of such reports is a recent practice in Albania, where the 2014 and 2015 financial reports are available, while past reports were only available upon request for access to information of public character. In Bosnia and Herzegovina, for instance, the availability of reports depends on the practices adopted by specific broadcasters. *RTVFBiH* tends to be the least transparent, and its last publicly available financial report dates back to 2012.

AMONG THE COUNTRIES SURVEYED, HUNGARY IS THE ONLY COUNTRY WHERE REPORTS RELATING TO THE FINANCIAL PERFORMANCE OF THE PSM ARE NOT PUBLICLY AVAILABLE. ON THE OTHER HAND, IN SLOVENIA DETAILED ANNUAL PLANS AND REPORTS OF *RTV SLOVENIA* HAVE BEEN AVAILABLE ON THE PSM WEBSITE FOR THE PAST 10 YEARS, INCLUDING THE MAIN DATA ON FINANCIAL PERFORMANCE.

Chart 3 PUBLIC AVAILABILITY OF PSM FINANCIAL REPORTS



* AT RTVFBİH, ONE OF THE PUBLIC MEDIA ORGANISATIONS IN BOSNIA AND HERZEGOVINA, PUBLIC RELEASE OF FINANCIAL REPORTS IS NOT A REGULAR PRACTICE; NO REPORTS HAVE BEEN AVAILABLE SINCE 2012.

2.7

SUPERVISION OF PSM FINANCING

In five countries included in our regional survey – Albania, Croatia, Hungary, Macedonia and Slovenia – there are separate bodies that are tasked with providing supervision of PSM financial operations, while in the rest of the countries surveyed, a single entity performs both governing and supervisory duties relating to programming and financial management. In Albania, that separate body – the Advisory Board – has, in fact, only an advisory role to the main governing body. In Hungary, within the complex structure of the public media system and the governing bodies, there is Public Service Fiscal Council supervising the budget of MTVA – the Media Service Support and Asset Management Fund.

As regards the appointment of members of bodies that oversee financial management at PSMs, practices differ across the countries surveyed. For instance, in Kosovo and Montenegro all members of such bodies, which at the same time are the general governing bodies of the PSMs, are appointed by the parliament. Unlike these two countries, members of a similar entity which performs both the governing and supervisory duties in Serbia are appointed by the regulatory agency in the field of electronic media. In Croatia and Slovenia, for instance, a separate body functions as a supervisor of financial operations at the PSMs. Members of these bodies are appointed mainly by the parliament, but also by self-organised employees at the PSMs, while in Slovenia the government also appoints a certain number of members of the supervisory body. In Macedonia, where there is also a separate body in place, members are appointed by the Programme Council.

In several countries for which more data are available, PSMs were subject to auditing by state audit institutions, which often identified poor practices in terms of financial management. For example, the PSM in Montenegro in 2010 and RTVFBİH in Bosnia and Herzegovina in 2011 and 2013 received negative opinions from auditors. Similarly, in Serbia in 2012, the auditors identified 39 bad practices, of which 21 were related to spending procedures. In Macedonia, the auditors observed financial operations by the PSM for the years 2013 and 2014 and within an overall solid performance, identified shortcomings in relation to lists of inventory items and human resources in the PSM's internal audit unit.

Apart from Hungary and Montenegro, the relevant supervisory bodies submit reports to legislative bodies on the work of PSMs, including their financial

operations, in all other countries surveyed. In Slovenia, the supervisory body responsible for oversight of PSM financial operations submits to the parliament an annual report on its own work and findings. Available data suggest that only in Croatia the parliamentary debates resulted in changes in personnel at the PSM, while in other countries such debates have not led to changes of personnel at the PSMs, legislative changes or other measures.

3 GOVERNING MODELS OF PUBLIC SERVICE MEDIA IN SOUTH EAST EUROPE

3.1 GOVERNING BODIES SUPERVISING PSM PERFORMANCE

The governing structure of the public service media in all nine countries of South East Europe covered by our study is defined in the law. Most often there are separate laws pertaining to the public service media (Bosna and Herzegovina, Croatia, Kosovo, Montenegro, Serbia and Slovenia) in the laws regulating all audiovisual media services (Albania and Macedonia) or in general media law (Hungary).

A single governing body supervising both the programming and the financial performance of public service media is still the dominant governing model in the region – five countries (Albania, Bosnia and Herzegovina, Kosovo, Serbia and Montenegro) have such a model. These single governing bodies are called “steering council” (Albania), “council” (Montenegro), “board” (Kosovo), “management board” (Serbia) and “board of governors” (Bosnia and Herzegovina).

In Croatia, Slovenia and Macedonia, the governing model includes two separate bodies – a Programming Council and a Supervisory Board, one devoted to supervision of programming functions and the other to oversight of the financial operations of PSM.

Chart 4 GOVERNING MODELS OF PSM

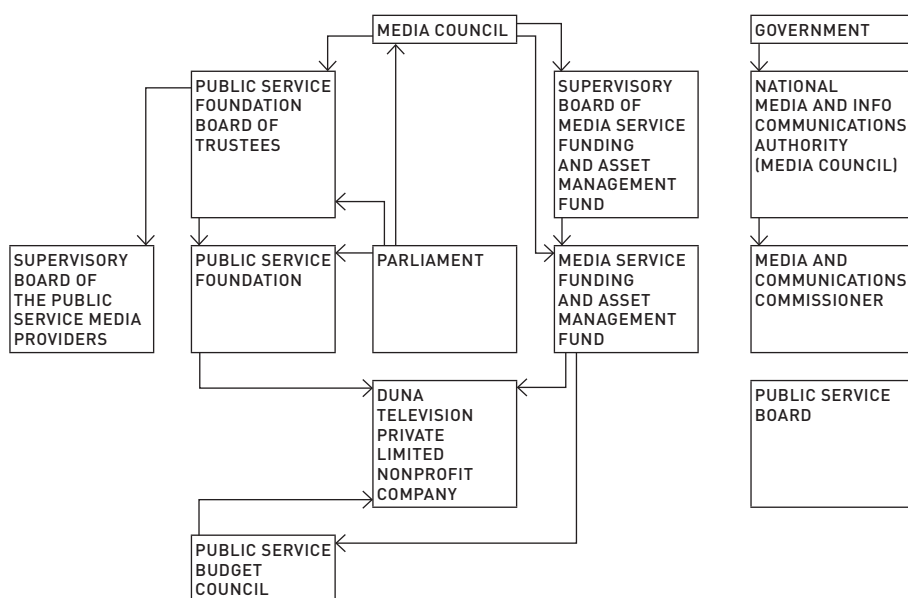


The Hungarian model is distinct and quite complex, since PSM there form part of a larger organisational structure, subordinated to both the Media Service Support and Asset Management Fund (MTVA) and the Public Service Foundation, the first governed by the Supervisory Board and the last by the Board of Trustees. In addition, there is also the Board of Public Services, with

A SINGLE GOVERNING BODY SUPERVISING BOTH THE PROGRAMMING AND THE FINANCIAL PERFORMANCE OF PUBLIC SERVICE MEDIA IS STILL THE DOMINANT GOVERNING MODEL IN THE REGION – FIVE COUNTRIES (ALBANIA, BOSNIA AND HERZEGOVINA, KOSOVO, SERBIA AND MONTENEGRO) HAVE SUCH A MODEL.

a specific role of “social control over the psm” in Hungary. On top of this, is the Media Council, a regulatory authority in Hungary.

Chart 5 COMPLEX GOVERNING STRUCTURE OF PSM IN HUNGARY



AUTHOR OF THE CHART: BORBÁLA TÓTH.

3.1.1

APPOINTMENT PROCEDURES AND THE COMPOSITION OF PSM GOVERNING BODIES

In the governing model comprising a single governing body, its size ranges from four members in Bosnia and Herzegovina and nine members in Serbia and Montenegro, to 11 members in Albania and Kosovo.

In Hungary, the Supervisory Board of MTVA consists of five members; the central governing body of the Public Service Foundation – the Board of Trustees – is composed of eight members, while the Board of Public Services comprises 14 members.

In three countries with separate governing bodies for programming and financing, the size of the bodies in charge of programming ranges from 11 members in Croatia and 13 members in Macedonia, to 29 in Slovenia. The Programme Council in Slovenia is the largest governing body in the region. In these three countries, the size of the other governing body assigned the task of supervising PSM financial operations – the Supervisory Board – ranges from 5 members in Croatia and 7 members in Macedonia, to 11 members in Slovenia.

In both governing models – with a single governing body and with two separate bodies in charge of programming and financing – members of these bodies in almost all countries covered by our study are appointed by parliament, either entirely or partly. The exception is Serbia, where the appointment of the

IN BOTH GOVERNING MODELS – WITH A SINGLE GOVERNING BODY AND WITH TWO SEPARATE BODIES IN CHARGE OF PROGRAMMING AND FINANCING – MEMBERS OF THESE BODIES IN ALMOST ALL COUNTRIES COVERED BY OUR STUDY ARE APPOINTED BY PARLIAMENT, EITHER ENTIRELY OR PARTLY.

single governing body is done by the Council of the Regulatory Authority of Electronic Media, and Macedonia, where members of the Supervisory Board – the governing body in charge of supervising PSM financial operations – are appointed by the PSM governing body in charge of supervision of PSM programming – the Programming Council.

In Bosnia and Herzegovina, in the case of the national public broadcaster *BHRT*, the regulatory authority, the Communication Regulatory Agency, submits the list of nominated candidates for the PSM governing body to parliament.

In Hungary, if we take into account the Board of Trustees of the Public Service Foundation, six out of eight members are appointed in the Parliament, with three members nominated by the government factions and three by the opposition. The other two members are appointed by the regulatory body – the Media Council. Members of another governing body in the complex structure of PSM in Hungary, the Supervisory Board of *MTVA*, are nominated by the president of the Media Council, who, together with the other four members of the council, is appointed in the Hungarian Parliament. The Board of Public Services is appointed by the nominating organisations, listed in the media law as those representing Hungarian society.

Table 9 SIZE OF THE PSM GOVERNING BODIES

COUNTRY	SINGLE GOVERNING BODY	TWO GOVERNING BODIES (PROGRAMMING COUNCIL AND SUPERVISORY BOARD)	COMPLEX STRUCTURE (BOARD OF TRUSTEES, SUPERVISORY BOARD, BOARD OF PUBLIC SERVICES)
ALBANIA	11		
BOSNIA AND HERZEGOVINA	4		
CROATIA		11+5	
HUNGARY			8+5+14
KOSOVO	11		
MACEDONIA		13+7	
MONTENEGRO	9		
SERBIA	9		
SLOVENIA		29+11	

In those countries where parliament plays a crucial role in the appointment of the governing bodies of PSM, the law often specifies the groups and organisations which nominate the candidates upon the public call for nominations. In Montenegro, the exact list, with a precise number of candidates per organisation/group is specified.

In Croatia and Slovenia, besides members of the governing bodies appointed in the parliament, the PSM employees also appoint their representatives in the PSM governing bodies – for supervising both programming and financing. In Slovenia, in the case of the governing body in charge of oversight of PSM financial operations, besides the parliament and employees, the government also appoints members to that body.

IN CROATIA AND SLOVENIA, BESIDES MEMBERS OF THE GOVERNING BODIES APPOINTED IN THE PARLIAMENT, THE PSM EMPLOYEES ALSO APPOINT THEIR REPRESENTATIVES IN THE PSM GOVERNING BODIES – FOR SUPERVISING BOTH PROGRAMMING AND FINANCING.

In that country, with the large governing body in charge of programming (i.e., the Programming Council with 29 members), besides the specified number of representatives of particular groups, 16 members are appointed by the parliament upon a public call for nominations on the proposal of the general public, i.e. viewers and listeners.

In Slovenia and Macedonia the parliament not only has a role in the appointing procedure for the PSM governing bodies, but it is also directly represented, with five members in the governing body supervising the PSM programming. According to the law regulating PSM in Slovenia, “five members of the Programming Council are appointed by the National Assembly on a proposal from political parties, as closely as possible reflecting the proportional representation of the parties in the National Assembly”

In Albania, ten out of eleven members of the Steering Council, the highest governing body for PSM in that country, are appointed in the parliament through a selection procedure which is expected to respect the balance between the political majority and the opposition, providing that 5 members are supported by the majority and 5 members by the opposition. The chairperson of the governing body (11th member) is also appointed by the parliament, but in a separate procedure.

Chart 6 APPOINTMENT OF MEMBERS OF PSM GOVERNING BODIES

IN THE PARLIAMENT, PARTLY OR ENTIRELY	BY THE AVMS REGULATOR	BY ANOTHER BODY
ALBANIA, BOSNIA AND HERZEGOVINA, CROATIA, HUNGARY*, KOSOVO, MONTENEGRO, MACEDONIA*, SLOVENIA	SERBIA, HUNGARY*	MACEDONIA*

*IN HUNGARY, SOME OF THE GOVERNING BODIES ARE APPOINTED BY THE PARLIAMENT AND SOME BY THE MEDIA COUNCIL, A REGULATORY BODY. IN MACEDONIA, THE PROGRAMMING COUNCIL IS APPOINTED BY THE PARLIAMENT, BUT IT APPOINTS THE SUPERVISORY BOARD.

GIVEN THE DOMINANT ROLE OF PARLIAMENTS IN THE APPOINTMENT PROCEDURES OF PSM GOVERNING BODIES, SEVERE DELAYS AND OBSTRUCTIONS IN THESE PROCEDURES HAVE BEEN A COMMON FEATURE IN SEVERAL COUNTRIES OF THE REGION.

Given the dominant role of parliaments in the appointment procedures of PSM governing bodies, severe delays and obstructions in these procedures have been a common feature in several countries of the region, for instance in Albania, Bosnia and Herzegovina and Hungary. Even when there are no such hindrances, the composition of the governing bodies appointed in the parliament reflects the profile and interests of the political majority. Therefore, the reform of the PSM governing model and the appointment procedures for the governing bodies are among the key demands of media reform initiatives, referring to the urgent need for a “de-politicisation” of the PSM governing and management structures. Such PSM reform initiatives are ongoing, particularly in Macedonia and Montenegro.

3.1.2

QUALIFICATIONS REQUIRED FOR MEMBERS OF PSM GOVERNING BODIES

Members of the governing body in charge of programming (in five countries it is the same single body supervising the entire PSM performance, and in three countries it is a separate governing body) are required to have knowledge, reputation and achievements in various fields. The list of fields specified in the legal provisions on the required qualifications is extensive, but similar in all countries. If we take into account all countries, the list includes fields such as media, journalism, freedom of expression, human rights, arts, culture, audio-visual production, movie/cinema, public relations, language, education, social studies, consumer protection, civil society, law, constitution, justice, economy, technical sciences, engineering and regional development.

In Albania, Montenegro and Macedonia, a university degree is specified in the required qualifications, in Albania also more than 10 years of working experience. There is no specific provision for the members of the governing body in the same term to come from a balanced variety of fields. Therefore, it can happen, as in the current composition in Albania, that there are three painters and two cinema experts in the PSM governing body, but no engineer, despite a long list of fields which includes engineering.

However, our researchers emphasise that the *de facto* situation is different from the *de jure* one, and that qualifications – education and experience in certain fields – are not crucial for appointment of members of the PSM governing bodies, but rather political loyalty or compatibility with those who decide – mainly the political majority in parliament.

3.1.3

CONFLICT OF INTEREST RULES FOR MEMBERS OF PSM GOVERNING BODIES

In all countries of the region covered by our research, there are conflict of interest rules for members of PSM governing bodies, mostly related to political and commercial interests. State officials and political party officials (members of the governing bodies of political parties) are specified in all countries as those who cannot be nominated for the PSM governing body. In some cases this applies even two, three or five years after the political term.

Employees of the regulatory authorities are also excluded from membership in PSM governing bodies, as well as owners and members of the management bodies of commercial competitors. The competing commercial sector described in the conflict of interest rules for membership in PSM governing bodies in some countries includes not only producers of radio and television programming or electronic publications, but also public opinion agencies, advertising agencies, market research agencies, movie productions, telecoms and electronic networks. Some of these additional exclusion criteria are specified

in Albania, Macedonia and Kosovo. In Macedonia, heads of religious communities are also listed among those excluded from membership.

There is an interesting discrepancy in perception of the role of the PSM employees in the governing bodies. While in Serbia, Bosnia and Herzegovina, Montenegro and Macedonia they are specified among categories strictly barred from membership under conflict of interest rules, in Croatia and Slovenia they are listed among the categories privileged to nominate representatives in the governing bodies and take part in the PSM governance. In Kosovo, former PSM employees cannot be appointed to the governing body for two years following their period of employment. Family members of employees are also specified in some countries as those who cannot become members of a PSM governing body.

Chart 7 EMPLOYEES' REPRESENTATION IN THE PSM GOVERNING BODIES



Persons convicted of a criminal offence over six months are specified in Kosovo and Montenegro as excluded from membership in the PSM governing body.

In Bosnia and Herzegovina, Slovenia and Montenegro, the law specifies independence of members of the governing body, underlining that they shall not receive instructions from anybody, including from the organisations and groups who nominated them.

Despite such provisions and a whole range of conflict of interest rules, the affiliation of members of the PSM governing bodies to leading political parties is an omnipresent pattern in the region.

3.1.4

LENGTH OF THE TERM

The term of the office of the PSM governing bodies is five years in Albania, Macedonia, Montenegro and Serbia, and four years in Bosnia and Herzegovina, Croatia, Kosovo and Slovenia. In Kosovo, Slovenia, Croatia and Bosnia and Herzegovina, there are stipulations providing that the term does not expire for all members simultaneously.

In most countries, re-election is possible for one additional term. In Bosnia and Herzegovina, the term of office for the governing bodies has expired in the case of two out of three public service media organisations, *BHRT* and *RTVFBiH*. This has happened because appointment of the governing bodies has been obstructed in the parliament for a lengthy period; in the case of the *BHRT* Board, the term is now twice as long as is stipulated in the law.

In Hungary, with its complex structure of PSM governance, there is Board of Trustees on top of the Public Service Foundation, with members of the Board

THE TERM OF THE OFFICE OF THE PSM GOVERNING BODIES IS FIVE YEARS IN ALBANIA, MACEDONIA, MONTENEGRO AND SERBIA, AND FOUR YEARS IN BOSNIA AND HERZEGOVINA, CROATIA, KOSOVO AND SLOVENIA.

being appointed by Parliament for a term of nine years, while the Board of Public Services with representatives of the nominating organisations has a three-year term of office.

Chart 8 LENGTH OF TERM OF PSM GOVERNING BODIES



* IN CASE OF THE BOARD OF TRUSTEES OF PUBLIC SERVICE FOUNDATION.

3.1.5

POWERS AND COMPETENCES OF THE PSM GOVERNING BODIES

Competences of the single governing body in Albania, Bosnia and Herzegovina, Kosovo, Montenegro and Serbia and the separate bodies in charge of supervising the PSM programming in Croatia, Slovenia and Macedonia include approval of the most important PSM documents: strategic plans, annual working and programming plans and schemes etc. These bodies approve the annual reports and in some cases also the annual budgets. A different system applies in Croatia, where the annual plan and annual budget are not adopted by the programming governing body, but by the Supervisory Board, a governing body in charge of supervising the PSM financing.

With the exception of Croatia and Slovenia, where the governing body overseeing the PSM financial performance – Supervisory Board – is responsible for adoption of the PSM statute, in all other countries that task is given to the general governing body or to the Programming Council. However, in Slovenia, the Programming Council takes part in the adoption of or changes to the PSM statute, as it is required to give consent to such adoption of or changes to the statute.

In Croatia, there is specific document – the contract between the government and the PSM – defining the PSM remit, its programming obligations and financial resources for the period of five years. The Supervisory Board takes part in the adoption of the contract by providing an opinion on the document. On the other hand, the implementation of the contract in terms of programming obligations is supervised by the Programming Council of the PSM in Croatia.

The PSM governing body is responsible for appointment of the PSM Director General in Albania, Bosnia and Herzegovina, Kosovo, Hungary, Macedonia, Montenegro, Serbia and Slovenia. In Croatia, Parliament appoints the PSM Director General.

In Serbia the PSM governing body directly appoints editors-in-chief and program directors, while in Macedonia, the Programming Council gives consent to the appointment of editors-in-chief. In Slovenia, the Programming Council appoints the Director General and provides consent to the appointment of

IN CROATIA, THERE IS SPECIFIC DOCUMENT – THE CONTRACT BETWEEN THE GOVERNMENT AND THE PSM – DEFINING THE PSM REMIT, ITS PROGRAMMING OBLIGATIONS AND FINANCIAL RESOURCES FOR THE PERIOD OF FIVE YEARS.

directors of Radio and Television, while voting on the editors-in-chief falls within its domain only in cases where candidates have been selected by Director General but have not received support from the journalists/editorial staff in their programme unit during the nominating procedure.

In Macedonia, the competences of the Programming Council include appointment of the Supervisory Board.

The general governing bodies in the model with single governing body and the programming councils in the twofold governing model, are responsible for supervision of programming principles and standards. In Kosovo, Slovenia and Macedonia, these bodies adopt a Code of Conduct for programming and review complaints and suggestions submitted by viewers and listeners. In Slovenia and Croatia, the Programming Council appoints an ombudsman/commissioner to process the viewers' and listeners' reactions.

Our researchers underscored the negative impact of the obvious lack of knowledge among members of the PSM governing bodies, given the number of competences assigned to them. The list of competences specified in the laws includes 10 or 15 such powers. In the countries with a single governing body, the competences can range from those related to programming and ethical conduct of programme producers, to those related to financial accounts, loans, real estate, salaries etc.

The chairpersons of the PSM governing bodies in Albania and Bosnia and Herzegovina are elected in the parliamentary body responsible for media. In Croatia, Kosovo, Macedonia, Montenegro, Serbia and Slovenia, they are appointed by the majority of the PSM governing body's members. In Hungary, the chairperson of the Board of Trustees is delegated by the country's media regulatory body.

3.1.6

SEPARATE GOVERNING BODIES SUPERVISING PSM FINANCIAL PERFORMANCE

Supervisory boards are PSM governing bodies that oversee financial operations in the countries with the model of a two-fold governing structure consisting of one body overseeing programming and another supervising financial performance. Slovenia, Croatia and Macedonia implement this twofold governing model, but the supervisory boards have a different size and structure in each country.

In Slovenia, the Supervisory Board has 11 members, five appointed by parliament, four by the government and two by the employees. In Croatia, the board has five members, four appointed in parliament (upon a public call) and one by the employees. And in Macedonia, the board has seven members, all appointed by the Programming Council upon a public call. In Croatia and Slovenia the term of office of the Supervisory Board is four years and in Macedonia, five years.

In Albania, the Administrative Board, with a merely advisory role to the PSM main governing body, the Steering Council, has five members. Among these, three are internal and two external experts in management and finance. They are appointed by the Steering Council from at least 10 candidates. In Hungary, there is a Public Service Budget Council in charge of financial operations, comprising three members: Director General of PSM, Director General of MTVA and a delegate of the State Audit Office. In Serbia, the PSM Board as a general governing body – as is the case for all countries with a single governing body – also supervises the financial operations of PSM, in addition to programming, but in that country it appoints an internal auditor on proposal of Director General.

Members of the Supervisory Board in Croatia are required to have at least of 10 years of working experience, while in Slovenia only five years of working experience suffices. In both countries, a university degree is required. In Croatia, the structure of the Supervisory Board in terms of member expertise is specified, with the requirement that the Board include at least one expert from the field of finance or law, and a majority of members with expertise in the media.

Conflict of interest rules for members of the PSM governing bodies specifically established to supervise PSM financial operations are similar to those for PSM general governing bodies. These rules are aimed at preventing conflict of interest in political and commercial terms by excluding state and local government officials, political party officials, employees of regulatory bodies, owners, managers and employees of competing broadcasting and electronic media and other companies in the media sector. In Macedonia, PSM employees are also excluded, while in Croatia and Slovenia, employees are among the mandatory members of the Supervisory Boards.

Among the three countries in the region with a separate governing body for supervising PSM financial operations, the body in Croatia seems to have the strongest competences, including adoption of the statute (which in Croatia is also subject to approval by parliament), supervision of PSM operations and lawful use of the licence fee. It also determines the amount of the licence fee in accordance with the law and initiates procedures for dismissal of a Director General. It adopts the financial plans, while overseeing their rebalancing and also the financial accounts. Use of real estate and assets above a certain value, loan agreements as well as the act on the salaries and rights of employees are also supervised by this governing body in Croatia.

Its competences are closer to those of the general governing body in countries with the model of a single governing body, except that the Supervisory Board in Croatia does not oversee programming. That is different from the similar twofold governing model in Slovenia, which gives part of the strongest competences to each body. For instance, in Slovenia the Programming Council appoints the Director General, while the Supervisory Council approves the statute. In Macedonia, the third country in the region with the twofold governing

model, the Supervisory Board is in a way subordinate to the Programming Council, since it is appointed by that body, but its consent is required for many important documents related to the financial operations of PSM in Macedonia.

3.1.7

REMUNERATION OF MEMBERS OF PSM GOVERNING BODIES

In all countries covered by our study, the members of the PSM governing bodies are remunerated for their work on a monthly basis, but the system for determining the amount differs. Moreover, the amounts they receive differ from country to country, with Slovenia having the lowest remuneration, despite its being the richest country among those surveyed. Hungary has a complex structure with different bodies, and the system of remunerations is difficult to trace.

In Albania the amount is determined by parliament, and in November 2016 it was 257 euro per month. In Bosnia and Herzegovina, the remuneration is set at three times the minimum monthly wage in the respective entity, which in November 2016 amounted to 623 euro per month to each member of the PSM governing body in the entity Federation of Bosnia and Herzegovina. In addition to that, members of the PSM governing body in that country receive “reasonable” travel and material expenses. They are required to work a minimum of five days per month in the governing body. In Croatia, the remuneration is 270 euro per month.

In Kosovo, according to the reports, the PSM governing body in 2014 spent 152,594 euro on payments to its members.⁹ It exceeded the plan of 110,000 euro in the 2014 budget. If divided by the number of members of the PSM governing body in Kosovo, it seems that on average one member received 1,156 euro per month. In Macedonia, members of the Programming Council are remunerated to the amount of one-third of the average monthly salary in Macedonia after each completed session. At present, they receive 120 euro per session completed. At the same time, members of the Supervisory Board receive monthly remuneration of up to one-and-a-half times the average monthly salary in Macedonia. At present, they are remunerated to the amount of one average monthly salary in the country, i.e. 360 euro per month. In Montenegro, members of the governing body are entitled to a monthly remuneration in the amount of the average monthly salary of the PSM employees in the month prior to the payment. At present it is 490 euro per month, and the amount has not been changed for a lengthy period. In Serbia, the system is similar – the average monthly net salary in the PSM is the amount of remuneration paid to members of the PSM governing body on a monthly basis. In the last quarter of 2015, it was around 400 euro for members of the governing body of RTS.

⁹ See Institutit Gap, *Manxhimi I Buxhetit dhe Financimi I RTK-së*, 2015, available at http://www.institutitgap.org/documents/31674_FinancimiRTK.pdf.

IN ALL COUNTRIES COVERED BY OUR STUDY, THE MEMBERS OF THE PSM GOVERNING BODIES ARE REMUNERATED FOR THEIR WORK ON A MONTHLY BASIS, BUT THE SYSTEM FOR DETERMINING THE AMOUNT DIFFERS. MOREOVER, THE AMOUNTS THEY RECEIVE DIFFER FROM COUNTRY TO COUNTRY, WITH SLOVENIA HAVING THE LOWEST REMUNERATION, DESPITE ITS BEING THE RICHEST COUNTRY AMONG THOSE SURVEYED.

In Slovenia, members of two governing bodies are entitled to remuneration based on their attendance at the sessions, in the same amount as members of other governing bodies in the public sector. The amount of remuneration to the members of the governing bodies of public institutions is specified in a ruling adopted by the government in 2009 in order to unify the system, determine the amount on the basis of the size of the budget of the public institution and its number of employees, and introduce austerity measures at a time of crisis. The current remuneration to members of the PSM governing bodies in Slovenia is around 55 euro per session attended. Usually, there is one session per month. In addition, the members take part in meetings of sub-committees of the governing body, which is remunerated at around 40 euro per session. Travel costs are reimbursed separately.

All the amounts mentioned above are paid in local currencies in net amounts, but we have calculated them in euro amounts for the sake of comparison.

Table 10 REMUNERATION FOR MEMBERS OF PSM GOVERNING BODIES (NET AMOUNT PER MONTH/SESSION)

COUNTRY	REMUNERATION
ALBANIA	257 EURO PER MONTH
BOSNIA AND HERZEGOVINA	640 EURO PER MONTH*
CROATIA	270 EURO PER MONTH
HUNGARY	N/A
KOSOVO	1,156 EURO PER MONTH**
MACEDONIA	PC: 120 EURO PER SESSION SB: 360 EURO PER MONTH
MONTENEGRO	490 EURO PER MONTH
SERBIA	400 EURO PER MONTH***
SLOVENIA	55 EURO PER SESSION

* THE AMOUNT REFERS TO THE GOVERNING BODY OF RTVFBIH.

** THE AMOUNT IS CALCULATED ON THE BASIS OF THE 2014 SPENDING OF THE PSM GOVERNING BODY FOR REMUNERATING ITS MEMBERS.

*** THE AMOUNT REFERS TO THE GOVERNING BODY OF RTS.

3.1.8

TRANSPARENCY OF PSM GOVERNING BODIES

A lack of transparency of the PSM governing bodies is reported by our researchers in the majority of the countries in the SEE region. Their decisions and minutes of their meetings are rarely available, in some cases only upon request and reference to the laws on access to information of public character, or they are published on the PSM websites sporadically and after a delay. The exceptions are Slovenia and partly Croatia, where the minutes and press releases are regularly published on the HRT website for the Programming Council, but not for the Supervisory Board.

In Slovenia, the PSM website in the section on the Programming Council and the Supervisory Council has published the names of all members, e-mail addresses of both governing bodies, agendas for all meetings and decisions taken at all sessions of both governing bodies since 2006, after the adoption of the

A LACK OF
TRANSPARENCY OF
THE PSM GOVERNING
BODIES IS REPORTED
BY OUR RESEARCHERS
IN THE MAJORITY
OF THE COUNTRIES
IN THE SEE REGION.
THEIR DECISIONS
AND MINUTES OF
THEIR MEETINGS ARE
RARELY AVAILABLE,
IN SOME CASES ONLY
UPON REQUEST AND
REFERENCE TO THE
LAWS ON ACCESS
TO INFORMATION OF
PUBLIC CHARACTER.

latest law on *RTV Slovenia*. In addition to that, live streaming of all sessions of the Programming Council has been provided on the PSM website since 2015, on the initiative of the most recent council.

In Macedonia, for example, the agenda, minutes, decisions and voting of the Programming Council should be published on the *MRT* website seven days after each session, but these obligations are not respected.

Chart 9 A POSITIVE EXAMPLE OF PSM GOVERNING BODY TRANSPARENCY

AVAILABLE ON THE PSM WEBSITE IN SLOVENIA
NAMES OF MEMBERS OF THE GOVERNING BODIES
CONTACT INFORMATION OF THE GOVERNING BODIES
AGENDA OF THE MEETINGS OF THE GOVERNING BODIES
DECISIONS OF MEETINGS OF THE GOVERNING BODIES
LIVE STREAMING OF MEETINGS OF THE PROGRAMMING COUNCIL

3.2

DIRECTOR GENERAL

In all countries included in this regional survey, except in Hungary, PSM Directors General are appointed upon public calls for applications by a specific body set up within the PSM's structure (e.g. Programming Council in Macedonia and Slovenia, Supervisory Board in Croatia, Steering Council in Albania). In Hungary, a job vacancy for this post is not published, but the Media Council, a regulatory body for media, nominates two candidates, one of which is then appointed by the Public Service Foundation's Board of Trustees.

Albania seems to be the only country where the requirements to be met by the candidates for the post of Director General are not specifically determined in the law or statute. In all the other countries captured by this survey, there are more or less elaborated requirements in place.

Practically all countries included in the survey have more or less comprehensive provisions on which situations could constitute conflict of interest in the case of candidates for Directors General. This may include, e.g., membership in bodies of national or local authorities or political parties, interests in third parties providing media services, interest in third parties doing business with PSMs, etc. In Macedonia, rules addressing potential conflicts of interest for a Director General seem to be the weakest, since it is only stipulated that members of the PSM's Programming Council or the Supervisory Board are ineligible for this position.

The rules governing replacement and dismissal procedures of Directors General differ to some extent in scope across the countries surveyed, but Albania and Kosovo seem to have less elaborate provisions in place. In Kosovo,

for instance, the Director General can be dismissed by a two-thirds vote of the PSM Board. In Albania, the procedure takes place during the objective absence of the Director General or when the post is vacant.

Regulations in all countries surveyed list the responsibilities imposed on and powers granted to the Directors General (e.g., representing PSMs in public, appointment of executive staff, etc.). Croatia, for instance, seems to be the only country where the PSM Director General has sole responsibility for managing and governing the PSM.

As regards the length of mandates of Directors General at PSMs, the situation in Hungary differs from that in other countries. In that country the employment contract for Director General is concluded for an indefinite period of time. In other countries, the term of office is limited to a specific period, ranging from three years (Kosovo, Macedonia) and four years (Slovenia, Montenegro), to five years (Albania, Bosnia and Herzegovina, Croatia and Serbia).

Chart 10 PSM DIRECTOR GENERAL

NO		YES
HUNGARY	APPOINTMENT VIA PUBLIC CALL	REST OF THE COUNTRIES SURVEYED
ALBANIA	REQUIREMENTS FOR THE POST	REST OF THE COUNTRIES SURVEYED
/	CONFLICT OF INTEREST PROVISIONS	ALL COUNTRIES, BUT VERY LIMITED PROVISIONS IN MACEDONIA
HUNGARY	DETERMINED LENGTH OF TERM	REST OF THE COUNTRIES SURVEYED

AS REGARDS THE LENGTH OF MANDATES OF DIRECTORS GENERAL AT PSMs, THE SITUATION IN HUNGARY DIFFERS FROM THAT IN OTHER COUNTRIES. IN THAT COUNTRY THE EMPLOYMENT CONTRACT FOR DIRECTOR GENERAL IS CONCLUDED FOR AN INDEFINITE PERIOD OF TIME.

3.3

EDITORS-IN-CHIEF

As regards the appointment of editors-in-chief at PSMs in the countries of South East Europe, Albania and Hungary seem to be the only countries with no specific provisions governing this issue. In Albania, for instance, there are only general rules governing employment in public administration in place. In other countries, the appointments of editors-in-chief are more or less specifically regulated by law or the PSM statutes, and editors-in-chief are mostly appointed upon public call for applications. However, one public service media organisations in Bosnia and Herzegovina, RTVFBiH, is an example of PSM in the region which is not obliged to publish job vacancies for editorial posts.

In a similar vein, specific requirements for editorial jobs are not determined in Albania and Hungary. Macedonia is an additional example where requirements for the position of editor-in-chief are not specified. In most countries, however, candidates for editor-in-chief must meet certain requirements, which usually include, for example, completed tertiary education, proven

organisational and managerial skills, as well as proven professional qualifications at editorial or similar jobs.

Albania and Hungary are also countries where provisions governing possible conflict of interest among candidates for editor-in-chief do not exist, while in other countries included in the regional survey, more or less elaborated provisions on conflict of interest are in place.

Croatia and Slovenia seem to be the only countries with an obligation to obtain opinions from journalists in the appointment procedure. In Croatia such an opinion is non-binding on the decision-maker, but in Slovenia more elaborated rules apply. If a candidate for editor-in-chief who did not receive a positive opinion is proposed for the post in a specific programme unit, the majority of employees in this programme unit have the right to nominate a candidate who merits their positive opinion and shall notify the Programming Council thereof. In such a case, the Director General selects a candidate after obtaining the consent of the Programming Council.

With regard to dismissal of editors-in-chief, Albania and Hungary are countries where such a procedure is not determined.

The length of the term in office for editors-in-chief is not specifically determined at PSMs in Albania, Macedonia and Montenegro, nor at two broadcasters within the PSM system in Bosnia and Herzegovina (RTVFBiH and RTRS). In Kosovo, for example, the editor-in-chief mandate lasts three years, while editors at Croatian PSM and Bosnian-Herzegovinian BHRT are appointed for a period of five years.

Chart 11 EDITORS-IN-CHIEF

NO SPECIFIC PROCEDURE: ALBANIA, HUNGARY	APPOINTMENT PROCEDURE	PROCEDURE IN PLACE IN OTHER COUNTRIES
NO SPECIFIC REQUIREMENTS: ALBANIA, HUNGARY, MACEDONIA	SPECIFIC REQUIREMENTS FOR THE POST	MORE OR LESS ELABORATED REQUIREMENTS IN OTHER COUNTRIES
NO SPECIFIC PROVISIONS: ALBANIA, HUNGARY VERY LIMITED: MACEDONIA	CONFLICT OF INTEREST PROVISIONS	PROVISIONS IN PLACE IN OTHER COUNTRIES
NO SPECIFIC PROCEDURE: ALBANIA, HUNGARY	REPLACEMENT/DISMISSAL PROCEDURE	PROCEDURE IN PLACE IN OTHER COUNTRIES
NO OPINION REQUIRED IN ALL COUNTRIES BUT CROATIA AND SLOVENIA	OPINION BY EMPLOYEES/JOURNALISTS REQUIRED IN THE COURSE OF APPOINTMENT PROCEDURE	CROATIA – NON-BINDING OPINION; SLOVENIA – EMPLOYEES IN A SPECIFIC PROGRAMME UNIT MAY NOMINATE THEIR CANDIDATE IF THEY DO NOT SUPPORT THE CANDIDATE PROPOSED BY DIRECTORS
NOT SPECIFICALLY DETERMINED: ALBANIA, MACEDONIA, MONTENEGRO AND BOSNIA AND HERZEGOVINA (RTRS, RTVFBiH)	LENGTH OF TERM*	SPECIFIED PERIOD OF TIME AT OTHER PSMs

* NO DATA ON THE SITUATION IN HUNGARY AVAILABLE.

CROATIA AND SLOVENIA SEEM TO BE THE ONLY COUNTRIES WITH AN OBLIGATION TO OBTAIN OPINIONS FROM JOURNALISTS IN THE APPOINTMENT PROCEDURE.

3.4

PARTICIPATION OF THE PUBLIC

Albania and Bosnia and Herzegovina tend to be the only countries where representation of the public in the governing bodies is not guaranteed in any manner. In other countries, procedures are in place to provide for certain types of representation of the public in such bodies. In these cases, however, it is the public bodies, mostly legislative bodies, which have the final say. For instance, in several countries only authorised stakeholders may nominate the candidates for membership in governing bodies. These include Macedonia (e.g., academic institutions, journalists’ associations, parliament, association of local authorities), Montenegro (e.g., academic institutions, civil society organisations, social partners) and partly Hungary, but in this country the nominating organisations (e.g., the Hungarian Academy of Sciences, religious communities, certain civil society organisations, professional organisations in the field of art) are specified only for the Board of Public Services, an advisory body in the PSM governing structure in Hungary. In other countries, there is no such restriction, and individuals may also propose candidates.

In several countries there is no body in place to deal with opinions and complaints by PSM viewers and listeners. This is the case in Albania, Bosnia and Herzegovina and Serbia. In Macedonia and Montenegro, for instance, opinions and complaints by the audience are overseen by the governing body, while in Kosovo a special body is in place to deal with issues raised by the public.

In Croatia and Slovenia, besides programming councils overseeing opinions and complaints by citizens, there are also ombudsmen appointed by the programming councils to process the opinions and complains and mediate between the viewers/listeners/service users, on one side, and the PSM programme staff, on the other. In Slovenia the name of the post is “guardian of viewers’ and listeners’ rights”, and in Croatia it is “commissioner for users of HRT services”.

Chart 12 PSM BODIES OVERSEEING OPINIONS AND COMPLAINTS BY VIEWERS AND LISTENERS

NO BODY	GOVERNING BODY	SPECIAL BODY
ALBANIA, BOSNIA AND HERZEGOVINA, SERBIA	MACEDONIA, MONTENEGRO, SLOVENIA, CROATIA	KOSOVO (PUBLIC ADVISORY GROUP) SLOVENIA (OMBUDSMAN) CROATIA (COMMISSIONER)

IN SEVERAL COUNTRIES THERE IS NO BODY IN PLACE TO DEAL WITH OPINIONS AND COMPLAINTS BY PSM VIEWERS AND LISTENERS.

4 CONCLUSIONS

In this comparative regional overview of the governing and funding models of public service media in the countries of South East Europe, we see a variety of solutions. The information we have gathered and presented here demonstrates once again that these media organisations use large amounts of public money – either through the licence fee collected from households, or through state budgets, but the supervision mechanisms for their programming and finances are predominantly politically driven. Almost all governing bodies are entirely or partly appointed by parliament, and despite formal requirements for qualifications, their members are commonly appointed on the basis of political affiliation and compatibility with the political parties in power.

It is not only the apparent political interests that make public service media in the region into their playground that have made these media rather devastated giants, but also the particular, private interests of the representatives of civil society, their organisations or the fields they represent. Their representation in the governing structures of the public service media in the region has often been misused and trust in the genuine representation of the public in the governing structure of public service media has been compromised.

There are deep differences in the funding and governing models among the countries in the region. Particularly Hungary, with its giant PSM governing structure and solutions such as nomination of members of the Board of Governors by the political majority and opposition, or the indefinite term of office for a Director General appointed by that Board of Governors, seem to constitute an environment far from supportive of independent, open and inclusive public service media operations.

The size of the governing bodies also differs significantly, but that provides no particular guarantee of quality and efficiency in their work. Slovenia, taking into account both governing bodies, has, for instance, a governing model for *RTV Slovenia* with 40 “governors” in total, while Bosnia and Herzegovina has a governing body ten times smaller – a 4-member “board of governors” at the national broadcaster *BHRT*.

There are many mechanisms already in place to enable the public service media in the region to offer exceptional quantity and quality of programming for all segments of society, but in practice these media are subject to constant crisis and pressure. There is a great need to reform either the funding model or the governing model, or both, in all countries in the region. This regional overview can also remind public service media organisations, the governments and media reform advocates of alternative mechanisms for improving the independence and public service character of these media.

Our key message is that a media system which relies on media integrity values should make the public service media a key pillar of the system. It should

IT IS NOT ONLY THE APPARENT POLITICAL INTERESTS THAT MAKE PUBLIC SERVICE MEDIA IN THE REGION INTO THEIR PLAYGROUND THAT HAVE MADE THESE MEDIA RATHER DEVASTATED GIANTS, BUT ALSO THE PARTICULAR, PRIVATE INTERESTS OF THE REPRESENTATIVES OF CIVIL SOCIETY, THEIR ORGANISATIONS OR THE FIELDS THEY REPRESENT.

support their independent, stable and transparent operation, making them the best employers of the best journalists and other programming and technical personnel who produce truly public service content. They should integrate independent productions and become a platform for the most talented and creative media professionals in the country. This vision is clearly dependent on the funding and governing models established for the public service media, but also on the public-service ethos of programme makers, particularly editors and journalists. Any democratic media reform should focus on building funding and governing models that turn the public service media towards providing service for citizens, not as individuals but as a community of people interested in and responsible for a joint public communication space based on equality and respect. Although it now looks like the current media ecosystem provides indefinite opportunities for fulfilment of our communication needs, the public service media are the only communication space in which we take part as a community. Therefore, media reform initiatives should also mobilize citizens for requesting reform of public service media. We hope this comparative overview offers some information useful for such media reform campaigns.

ANY DEMOCRATIC MEDIA REFORM SHOULD FOCUS ON BUILDING FUNDING AND GOVERNING MODELS THAT TURN THE PUBLIC SERVICE MEDIA TOWARDS PROVIDING SERVICE FOR CITIZENS, NOT AS INDIVIDUALS BUT AS A COMMUNITY OF PEOPLE INTERESTED IN AND RESPONSIBLE FOR A JOINT PUBLIC COMMUNICATION SPACE BASED ON EQUALITY AND RESPECT.

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