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*law/MNT/007/eng**Public Information Law**\* REPUBLIC OF MONTENEGRO***P U B L I C I N F O R M A T I O N  
L A W****I BASIC PROVISIONS****Article 1**

With the aim to ensure constitutionally granted freedom of thought and of expression in public, the freedom of press and other media as well as ensuring the citizens' right to be impartially and timely informed about all events and issues that are important both for their living and their work, the Republic of Montenegro (hereinafter referred to as: the Republic) ensures and guarantees the freedom of public information.

Public information freedom is granted at the level of the standards as contained in the international acts on human rights and freedoms (the United Nations, the OESCE, the European Council, the European Union).

This Law and any regulation enacted thereof shall be interpreted in compliance with the principles contained in the European Convention on Human Rights and shall be governed by the precedence law practice of the European Court and the European Commission for Human Rights.

**Article 2**

The freedom of public information comprises the freedom of expressing a different opinion, the freedom of collection, dissemination, publicizing and receiving information; freedom of the free access to all sources of information and the freedom of founding enterprises, institutions and agencies in field of the information, publishing or broadcasting media, in any form of ownership whatsoever.

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### Article 3

Public information services are rendered by means of public information media.

The Public information medium is defined as either a press institution, radio or television broadcasting station, news agency or some other public information medium.

The Press shall be defined as newspapers, magazines, reviews and other periodical and non-periodical publications.

The Radio and Television Stations shall be defined as the media whose founders perform the production and broadcasting of radio and television programs as a part of their principal business activity.

The News Agencies shall be defined as public media whose founders by market terms perform the collection, analysis and dissemination of information to their users as a part of their principal business activity.

Other Public Information Media shall be defined as either printed, audio-visual or other forms of production and dissemination of information intended for the public and publicized in a way that is typical for public information media.

### Article 4

Censorship of the press and other public information media is prohibited.

No person shall have the right to unlawfully restrict public information freedom, the operation of any public information medium or its representatives, or to impose any kind of compulsion as to their activities.

The Court shall have the authority to rule at the emergency procedure on any case of violation of the public information freedom.

The monopoly is not allowed in performing of the public information services.

The protection against the monopoly shall be provided by the enactment of a separate law.

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### Article 5

Any legal or natural person shall have the right to take part in public information process and to be granted equal terms at that.

Pursuant to the provisions of this Law, any foreign legal or natural person may participate in public information activities and shall be granted equal terms thereto.

The Republic is obliged to stimulate and support the diversity of all kinds of public information activities, complexity of ideas and thoughts in public information and also the introduction of modern technologies which enable direct communication with the sources of information both in our country and abroad.

### Article 6

Public information media are obliged to publicize faithful, impartial, timely and full information about all events and occurrences in compliance with the journalists ethic and the codes of profession.

Public information media are obliged to observe the citizens' privacy and dignity.

The secrecy of a letter and other means of citizens' personal communication is considered inviolable and shall not be abused in public information services.

### Article 7

This Law forbids publicizing of any unlawfully obtained information (bugging devices, hidden cameras; information collected from the intelligence's confidential records, by means of theft or any other kind of abuse).

Public medium is not allowed to publicize or disseminate information which advertise: weapons, drug abuse, tobacco, alcohol or medicines that are not approved by medical authorities.

Public media in the Republic are obliged to protect moral integrity of persons under age.

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Public media are forbidden to interview or photograph minor persons in relation to the issues concerning their personal interests, unless a parent or a legal or physical person entrusted with the responsibility for a minor is present or gives his consent as to that.

Public media are forbidden to publicize identity of a minor under the age of 16 involved in a criminal act, either in capacity of a victim or a defendant.

It is prohibited to interview minors under 18 years of age about political issues.

**Article 8**

Any information at the disposal of legislative, executive and judiciary authorities as well as of the local authorities, companies and institutions which are granted competencies of a public authority, shall be accessible to the journalists on equal terms, in compliance with their respective operational by-laws and their openness as for being the sources of information.

Upon the request of journalists, an authorized person representing the authority referred to in paragraph 1 of this Article shall provide information regarding authority's activities, unless these information are declared secret by the provisions of law.

A separate law prescribing the status of confidentiality of certain information and data shall be conformed with the standards contained in the international acts on human freedoms and rights.

An authorized person shall be held accountable for the accuracy, completeness and timeliness of the information issued.

**Article 9**

The State shall provide funds for fulfillment of the citizens' right to be informed as granted by the Constitution and law, without any discrimination whatsoever and on the basis of program policy.

Public information media shall be financed by founders, from the funds earned on the market or from other sources in compliance with the law.

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The State shall ensure and financially support public information activities in languages and alphabets of national and ethnic groups.

The State shall ensure and financially support the public information services in Albanian language.

The State provides funds for production of information programs for persons with sight or hearing disability.

The State financially supports media associations, regardless of their ownership status, in compliance with their agendas.

The Republican Budget shall prescribe the amount and appropriation of the funds as referred to herein.

### Article 10

Activities of foreign media in the Republic are stipulated by a separate Law.

## II THE FOUNDATION, MANAGEMENT, EDITING, FINANCING, PUBLICIZING AND TERMINATION OF PUBLIC INFORMATION MEDIA

### *1. The Foundation of the Public Information Media*

#### Article 11

Public information media may be founded by any legal entity and in any form of ownership.

Foreign physical or legal entities are entitled to be founders of public information media.

#### Article 12

The Republic or local authorities found the legal entities which perform either information, publishing or broadcasting activities or the public media whenever these activities are considered crucial requirement for the fulfillment of constitutionally and statutory granted citizens' right to be informed.

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The Deed of Foundation of a legal entity or public medium whose founder is the Republic or a local authority, shall be adopted by the Parliament/competent assembly in compliance with the law.

### Article 13

The Deed of Foundation may entrust a legal entity performing information, publishing or broadcasting activities, whose founder is the Republic or a local authority, with either public authority or specific authority of the founder in relation to: its internal organization, method of work, fulfillment of obligations as from its reference, status changes etc., when this is considered crucial for the fulfillment of public interest.

The Republic may introduce measures to safeguard public interest in a legal entity referred to in paragraph 1 herein, in compliance with a separate law.

### Article 14

Public information media may be founded freely, without obtaining an approval and shall be registered with the Republican public information authority (hereinafter referred to as: the competent Republican authority).

Radio and TV broadcasting stations are founded upon obtaining approval from the authority referred to in the paragraph 1 herein which shall set forth particular technical details related to the use of the frequencies and compliance with the minimum technical conditions as prescribed for radio and TV program broadcasting.

### Article 15

Public media are founded by institutions, firms or agencies that are registered in the register of press and broadcasting.

Physical persons, political parties, civil associations, religious, educational, cultural, sport, medical organizations and other associations may found a press medium without a foundation or registration of the company or institution.

### Article 16

A public information medium is founded by the Deed of Foundation, in compliance with the law.

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The Deed of Foundation of a public information medium comprises the following particulars:

1. • the name of the public medium
2. • residence i.e. main office of the founder and the editor
3. • basic data on the editorial policy of the public information medium
4. • sources and patterns of financing
5. • rights and obligations of the founder as related to a public information medium
6. • medium's management structure (managerial bodies, their composition, rules of appointment and powers)
7. • name of the editor-in-chief
8. • name of the person authorized for lodging the application for registration into the register of public information media.

### Article 17

Prior to putting the public information medium into operation, the founder is obliged to lodge an application for registration into the register of public information media to the competent Republican authority.

The application for registration into the register of public information media shall be lodged by an authorized person who shall enclose therewith the documents required by the provisions of law.

The registration procedure and the record keeping protocol are defined by the competent Republican authority.

### Article 18

Competent Republican authority is obliged to perform the registration of the medium into the register of public information media subject to the fulfillment of all requirements prescribed by this Law and to notify the founder hereof not later than 15 days upon the receipt of the application.

If the authority referred to in the paragraph 1 of this Article fails to notify the founder hereof within 15 days upon the receipt of the application, the registration of the medium shall be considered completed.

### Article 19

The founder i.e. the editor of the public information medium is obliged to notify the competent Republican authority on any modification of provisions



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set out in the Deed of Foundation or on the termination of the public information medium by a written notice that shall be forwarded to it not later than 15 days upon the modifications thereof being made.

### *2. Management of a Legal Entity Which Performs Information, Publishing or Broadcasting Activities*

#### Article 20

This Law, foundation act and a legal entity's by-law prescribe a management model for the related legal person which performs information, publishing or broadcasting activities.

The legal entity referred to in the paragraph 1 of this Article and founded by the government or by a local authority shall appoint the following management bodies: the board of directors, the supervisory board and the director.

The competencies, powers, composition and a method of work as well as the decision-making policy of the management bodies of the legal entity as referred to in the paragraph 2 of this Article are prescribed by this Law, a Deed of Foundation and the legal entity's general by-law.

Representatives of the staff employed in a legal entity as referred to in the paragraph 2 of this Article shall take part in the management activities by terms and conditions as set forth by the law and by a Deed of Foundation.

#### Article 21

The board of directors of a legal entity which performs information, publishing or broadcasting activities and which is founded by the Republic or by a local authority, shall be appointed by a competent assembly upon a proposal of the Government of the Republic of Montenegro or the competent body of a local authority.

The board of directors of a legal entity shall be composed of 5 members minimum to 11 member maximum, with the four year term of the office.

#### Article 22

The supervision board of a legal entity which performs information, publishing or broadcasting activities and which is founded by the state or by

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a local authority, shall be appointed by a competent assembly upon a proposal of the Government of the Republic of Montenegro i.e. competent body of a local authority for the four year term of the office.

The supervision board controls the observance of the law regarding the management of a related legal entity.

Upon a request of the founder, the supervision board is obliged to make a report on medium's material-financial activities, at least once a year, when realization of the editorial policy of a public medium is discussed/examined.

The report referred to in the paragraph 3 shall be lodged for consideration to the proponent of the Republican Budget or to a relevant body of a local authority.

### Article 23

The director of a legal entity which performs information, publishing or broadcasting activity and which is founded by the state or by a local authority, shall be appointed by the board of directors upon the completion of an open competition and to a four year term of the office.

Candidates for the post of the director are obliged to submit their development programs for the related enterprise, institution or agency.

The board of directors is obliged to reconsider the director's accountability if this is requested by the supervisory body.

If the board of directors fails to act on the request referred to in paragraph 3 of this Article, the supervision board is obliged to notify the founder thereof.

### *3. Public Media Editing*

#### *a) Editorial policy*

### Article 24

The editorial policy, method of work, rights, obligations and responsibilities in relation to any public medium are prescribed by its founder.

The editorial policy of a public medium must not be directed to forceful destruction of the constitutional system, violation of the territorial integrity

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of either the Republic or the Federal Republic of Yugoslavia, to infringement of the statutory human and citizen freedoms and rights or to rousing national, racial or religious intolerance/hatred.

**Article 25**

The Republican Parliament or a relevant body of a local authority is competent for establishing editorial policy of a public medium through which the State or a local authority pursues its interests in field of information, upon a proposal put up by the editorial board. The editorial policy has a validity period of 4 years and has to be adopted 60 days upon the appointment of the editorial board.

The editorial policy referred to in the paragraph 1 of this Article must provide in terms of quantity, quality and content, the fulfillment of the right to be publicly informed in their language to the national and ethnical groups living in the Republic.

The editorial policy referred to in the paragraph 1 of this Article must provide in terms of quantity, quality and content, the fulfillment of the right to be publicly informed in Albanian language.

*b) Editorial Board***Article 26**

A public medium founded by the Republic or a local authority has its editorial board.

The medium's editorial board is appointed by the Parliament/competent assembly which elects its members from the representatives nominated by political parties and for 4 year term of the office. The editorial board is composed of the equal number of representatives of the parties represented in the Republican Parliament i.e. in the assemblies of local authorities.

During the editorial board's term of the office, the party may recall its member and propose to the Parliament/competent assembly to appoint some other member.

The editor-in-chief takes part in the activities of the editorial board but he is not entitled to rendering decisions.

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Activities of the editorial board are open to the public.

The editorial board adopts its operating by-law.

### Article 27

The editorial board of a public medium proposes the editorial policy to the founder, continuously supervises and analyses its realization and considers objections of either legal or physical entities as to the observance of the freedom of public information in activities of the public medium.

The editorial board defines a proposal of the editorial policy and renders decisions on appointment or dismissal of the editor-in-chief by two-thirds majority of the total membership.

Upon the request of the founder, at least once a year, the editorial board shall make a report on the realization of editorial policy to be submitted by the end of January of current year referring to the previous one.

If the editorial board fails to submit a proposal of the editorial policy or a report on its realization to the founder, the board shall immediately be dissolved.

### *c) Editor-in-chief*

### Article 28

Each public medium has its editor-in-chief.

Editor-in-chief edits public medium freely and independently.

A public medium may have more than one editor i.e. for some issues or columns, radio or television programs, who are appointed or dismissed by the editor-in-chief.

Editor-in-chief is obliged to submit a draft annual report on the realization of editorial policy to the editorial board.

### Article 29

The editor-in-chief of a public medium which is founded by the Republic or a local authority is elected by the editorial board upon an open competition being called.

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Nominees for the post of the editor-in-chief who apply to the competition are obliged to enclose with the application a copy of their editorial agenda as for the referred public information media.

### *d) Responsibility*

#### Article 30

Editor-in-chief of a public medium is responsible for the realization of the medium's editorial policy.

Editor-in-chief is responsible for every information publicized in public medium except for the information he is obliged to publicize in compliance with the law or regulation on political parties' media presentation.

Editor-in-chief may be dismissed before the end of his appointment term only if it is established that he is accountable for violation of some provision of law or the program policy of a public media.

#### Article 31

The author i.e. supplier of either given or publicized information is accountable for their authenticity.

If a public medium publicizes false information which may harm the reputation or interest of a person it refers to, which insults the honor and respectability of a referred person, if it gives or transmits a false information about a person's private life, qualification or abilities, or if it harms his dignity in any other way whatsoever— the person concerned has a full right to institute a law suit claiming damages against the author, editor-in-chief, founder or public information medium at a court of relevant jurisdiction.

### *e) The Rights of Parliamentary Parties*

#### Article 32

A public medium founded by the Republic or by a local authority is obliged to impartially inform on viewpoints and activities of parliamentary parties within its program activities, in conformity with the rules set forth by its editorial board, and to provide direct coverage of the sessions of the Republican Parliament i.e. assemblies of local authorities, in compliance with their respective decisions.

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Fulfillment of political parties' rights in public media during the pre-election campaigning shall be defined by means of separate regulations that are prescribed and adopted by a competent assembly. Its enactment shall be controlled by editorial boards of public media.

The editorial policy of the public media referred to in the paragraph 1 herein shall observe the standards of honest and impartial policy.

*4) Public Media Financing**Article 33*

Any public medium is financed from its founder's income.

The legal entity which is a founder of a public information media may earn its income from: subscriptions, production/trade of goods, offering services, interests and dividends from invested funds, income yielded from authors' rights and patents, legacies, presents and endowments, citizens' contributions and from other income sources in compliance with the law.

*Article 34*

A public medium founded by the Republic or by a local authority is entitled to receive funds from the Budget subject to the formulation of a work plan by its Board of Directors and a written approval from both the editorial and supervisory board.

*Article 35*

A legal entity which performs radio and television broadcasting is entitled to introduce subscriptions for its programs.

A legal entity as referred to in paragraph 1 of this Article shall pass the enactment, upon the approval by a competent Republican authority, prescribing terms, amounts, distribution and appropriation of the funds thereof.

*Article 36*

If a legal entity performing information, news-publishing or broadcasting activities, founded by the Republic or a local authority, reports a loss in its annual balance sheet - a founder is free to decide whether to keep on

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pursuing its public interest through that medium and provide funds for covering the loss, provided that the loss was not incurred by uneconomical and misdirected utilization of the provided funds.

In case that a founder chooses to decline services of the legal entity as referred to in paragraph 1 of this Article in pursuit of his public interest, it shall cover for the losses incurred in the period when medium's operation was satisfying established public interest. Hereupon, the liquidation or bankruptcy proceeding is instituted on that legal entity.

*5) Publishing & Broadcasting**Article 37*

Public information publisher/broadcaster as to the provisions of this Law is defined as any legal entity or natural person that publishes/broadcasts public information medium for which it completely or partially provides funds and other requirements for publishing/broadcasting medium's program.

If a founder is not also a publisher/broadcaster of a public information medium; the mutual rights, obligations and liabilities of a founder and publisher/broadcaster shall be defined by a separate contract.

*Article 38*

Each published issue shall bear the following designations: the name and the address of a founder and publisher, the name of the press house, name and surname of the editor-in-chief, registration number and date, place and year of publishing or copying.

Radio and television programs shall bear the following designations: the name of a radio/television broadcasting station, title of a program, name and surname of an editor-in-chief and program editor.

*Article 39*

A printing house may print or copy newspapers, magazines, reviews and other periodical and non-periodical publications exclusively provided that it obtains a certificate of their registration into the register of public information media.

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A printing house, or a publisher of a printed issue that was not copied in the said printing house, is obliged to promptly forward the first copies of each issue to a competent public prosecutor, and to the competent Republican authority.

*6) Termination of a Public Information Medium*

## Article 40

A public information medium shall be terminated upon the decision rendered by a founder which is obliged to notify the competent Republican authority thereof for the purpose of the medium's removal from the register of public information media, not later than 8 days upon rendering this decision.

## Article 41

A public information medium shall be terminated without decision of its founder if the founder or publisher/broadcaster fails to publish a new periodical or newspaper issue within the period of twelve months or does not broadcast radio, television or news service programs within the period of six months.

A competent Republican authority shall remove from the register any medium that ceased working as by the definition of paragraph 1 of this Article.

## III JOURNALISTS' RIGHTS AND OBLIGATIONS

## Article 42

A journalist profession in the Republic serves for the freedom of expression, which involves the freedom of thought, of receiving and giving information, commenting on events, occurrences, states and conduct of persons in all fields of life, with a full observance of the freedoms and rights that are protected by the European Convention on Human Rights.

A journalist can not lose his job, have his position changed within the editorial staff or his salary reduced because of his opinion or a viewpoint expressed.



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## Article 43

A journalist has the right and duty to publicize: information on unlawful acts or on improper conducts; information which may protect health and safety of citizens; information on inaccurate statement given by a legal entity or individual, as well as any information which by undeniable facts indicate on defects in performing public functions.

## Article 44

Any journalist has a right to decline writing, preparing or taking part in producing an article/reporting the content of which violates provisions of the law and the codes of journalism.

A journalist who declines to carry out an order that may infringe law, professional ethics or codes of journalism shall not be dismissed from his job, lose his position in editorial office or has his salary reduced.

## Article 45

A journalist is not obliged to notify to government authorities or local authorities as to the source of information that was made public, if the source of information wants to remain unknown.

Any news item whose content was changed through editing procedure shall not be made public under either author's name or his pseudonym without his consent.

Editor-in-chief shall be held accountable for publicizing news items contrary to provisions of paragraph 2 of this Article. If the author's reputation is tarnished by that news item, he is entitled to claim damage.

## Article 46

Journalists' rights and obligations are prescribed by respective general by-laws of public information media in compliance with law, branch collective agreement and the codes of journalism.

Journalists are granted the right to voluntary association in clubs and associations for the purpose of solving common problems, arranging mutual cooperation and joint representation.

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IV PUBLICIZING STATEMENTS, REPLIES,  
CORRECTIONS AND OPINIONS

## Article 47

Upon the request of a competent state authority, public information medium whose founder is the Republic or a public authority is obliged publicize a statement about facts whose publicizing is considered urgent and particularly important for citizens and legal entities, and which refers to a threat to people's lives and health, their property or the country's defense and security – without delay and without curtailments of the related statement.

The statement referred to in the paragraph 1 of this Article shall be publicized free of any charge.

## Article 48

Each physical person or a legal entity is entitled to give a statement or make a correction in case that the publicized information violated his right or interest.

The editor-in-chief is obliged to publicize a statement or correction to the information that was made public.

The correction and the reply shall be publicized free of any charge.

## Article 49

A reply or a correction as by provisions set out herein shall be defined as any information which supplements the facts and data from the publicized information in terms of its completeness and authenticity.

The reply or correction shall be publicized without any modification or addition and in the same column i.e. television/radio program which publicized the information related to the reply or correction, which is: in the first or the second press issue at the latest, or in the first or in second subsequent radio/TV program broadcast at the latest - after the receipt of the reply or correction.

It is not allowed to concurrently publicize a commentary on either reply or correction to the information.

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## Article 50

If an editor-in-chief declines to publicize a reply or a correction of the false information which violated someone's right or interest, if he concurrently publicizes comment and the reply or correction, if he fails to duly and timely publicize reply or correction as to the provisions of this Law – a submitter of the reply or correction shall be fully entitled to institute a law suit in a court with the jurisdiction in the area of the main office or residence of the person who submitted the reply/correction.

If the law suit is upheld, the court shall by its decision order the editor-in-chief to publicize the reply or correction as prescribed by this Law i.e. in the first or, at latest, in the second issue of a related press/broadcast program upon the receipt of a valid court decision.

The proceedings upon the law suit for publicizing a reply or correction shall be urgent.

## Article 51

Editor-in-chief is not obliged to publicize a response or correction if:

- (1) a reply or correction does not refer to the information which was the reason for claiming publicizing of the reply/correction or if it does not contain true data referring to the claims publicized in the information;
- (2) a reply or correction contests the content of a publicized information whose authenticity was verified by a valid decision of a competent authority.
- (3) a reply or correction was not signed by an authorized person or if a person who submitted correction or reply failed to write his identity card number and residential address on it.
- (4) a reply or correction disproportionately exceed the length of a related information and a submitter thereof declines written claim of editor-in-chief requesting appropriate shortening of the reply or correction.
- (5) a reply is considered libelous or in any other way prohibited by a separate regulation

## Article 52

A public information medium is obliged to keep all texts and information recordings for minimum 7 days upon their publication and to make them available to persons who may claim their right to correction or reply by provisions of this Law.

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Upon a written request, public information medium is obliged to forward texts or information recordings to the competent Republican authority for the purpose of instituting the administrative-supervisory measures that are prescribed by the law.

## VI RADIO BROADCASTING SYSTEM

## Article 53

As to the provisions of this Law, the broadcasting activity shall be defined as any radio or television production and broadcasting activity by means of radio-relay, ground, cable and satellite transmission as well as via ground or cable distribution systems.

Radio broadcasting is done by means of broadcasting system which is developed and operated as a technically integrated and compatible system.

The radio broadcasting system by means of which the public information media founded by the Republic or local authorities broadcast their programs, is the public property and shall be assigned the status of a national interest.

## Article 54

The broadcasting license for setting up a radio or television station shall be granted by the competent Republican authority to any legal entity which is a founder of a public medium provided that he fulfills the following requirements:

- (1) obtaining license for radio frequency granted pursuant to the regulations on telecommunication links;
- (2) satisfying minimum technical conditions for radio and television broadcasting;

Minimum technical conditions for radio and television broadcasting shall be prescribed by the competent Republican authority.

## Article 55

Radio broadcasting frequencies, being a state-owned property, shall be leased to any legal entity that is registered for broadcasting activities on equal terms stipulated by a separate contract that is concluded with the Government of the Republic of Montenegro.

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The broadcasting frequency lease is chargeable.

The price and terms for broadcasting frequency lease shall be prescribed by the Government of the Republic of Montenegro.

**Article 56**

Legal entities which are founders of radio or television broadcasting stations are entitled to: produce and broadcast programs, build, develop and maintain their technical capacities, develop market-oriented production of programs, produce video and audio cassettes, broadcast commercials and performing other activities, in compliance with the law.

**Article 57**

Legal entities that are founders of radio or television broadcasting stations are also entitled to broadcast programs of other public media.

Two or more public media may produce and broadcast their joint programs.

Mutual relations of the legal entities referred to in the paragraphs 1 and 2 herein are defined by a separate contract.

**Article 58**

Radio or television stations that are founded by a local authority shall adjust their program broadcasting schedules to the radio or television programs broadcast by stations founded by the Republic.

If any radio or television broadcasting station referred to in paragraph 1 of this Article fails to adjust its program broadcasting schedule, the competent Republic authority shall render a decision for its temporary adjustment.

**Article 59**

Radio and television stations in the territory of Montenegro are obliged to arrange a mutual cooperation in terms of producing programs so that they cater for fulfillment of citizens' right to be impartially and timely informed on all events related to their life and work.

With a view to providing the public with information and direct influence on the program structuring, radio and television broadcasting stations are obliged to timely publicize their daily and weekly program schedules.

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VI THE COUNCIL FOR THE PROTECTION OF PUBLIC  
INFORMATION FREEDOM

## Article 60

With a view to protecting the freedom of public information and the citizens' right to receive authentic and integral information as well as to providing terms for accountable activities of all participants in public information, the Council for the Protection of Public Information Freedom (hereinafter referred to as the Council) is established.

The Council is composed of seventeen members and appointed to the four year term of the office.

Seven members to the Council shall be appointed by the Parliament proportionately to the parties' representation in it; one member each by the President of the Republic and by the Government of the Republic of Montenegro; two members each by the University of Montenegro, the Montenegrin Academy of Sciences and Arts, the Helsinki Committee for Montenegro and two representatives of the Republican journalist associations/societies.

The Council's work and election of the chairman shall be prescribed by the internal regulation.

## Article 61

The Council analyses and monitors activities of the press, broadcasting media, movie production and news services and it proposes to the Parliament and other authorities the measures to be taken with the aim to protect and promote freedom of public information and fulfillment of public interest.

In its terms of its reference as set out in the paragraph 1 of this Article, the Council particularly considers and adjudicates the following issues:

1. objections made by citizens and legal entities to any information publicized by a public information media;
2. objections made by journalists and publishers as to any action on the part of either state or local authority which restricted public information freedom;

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3. objections made by journalists as to any action on the part of either state or local authority acting as the source of information;
4. objections made by journalists, editors or journalist associations as to any action on the part of founder or publisher/broadcaster of a public information medium related to the freedom of expressing opinion.

The Council shall support the observance of the journalist ethic in its activities related to protection and promotion of the public information freedom.

Journalist ethic shall be prescribed by a code enacted by journalist associations and societies in Montenegro upon the approval by the Council.

**Article 62**

The proposals forwarded by the Council shall be considered and adjudicated by the Parliament, competent state or local authorities.

Public information media are obliged to publicize any statement of the Council that concerns their work free of any charge.

The Republic shall provide conditions for the Council's operation.

The competent Republican authority shall perform administrative and other services for the Council.

**VII ADMINISTRATIVE SUPERVISION OF THE PUBLIC MEDIA****Article 63**

The supervision of fulfillment of statutory requirements prescribed for setting up a public information media and of the lawfulness of their activities shall be performed by the competent Republican authority.

**Article 64**

If the competent Republican authority determines that a public information medium does not fulfill requirements for setting into operation or resuming its activities or that it does not observe either the law, other regulations or by-laws – it shall order a deadline for remedial activities and inform the founder hereon.

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## VIII PENALTY PROVISIONS

## Article 65

A fine in the amount from ten-fold to thirty-fold minimum salary in the Republic shall be imposed on a founder or publisher/broadcaster if:

- (1) a public information medium is set into operation prior to its registration or expiration of the registration deadline (Article 17);
- (2) a modification to the Deed of Foundation is not duly notified to the Republican public information authority (Article 19);
- (3) any copy of the press or any radio/television news item is not duly designated (Article 38);
- (4) upon its termination, a public information medium fails to duly notify the Republican public information authority as required for a medium's removal from the register (Article 40).

The infringement as set out in line (1) herein shall be sanctioned on the authorized person of the founder or publisher/broadcaster and chargeable in the amount ranging from five-fold to ten-fold minimum salary in the Republic.

## Article 66

A fine chargeable from ten-fold to twenty-fold amount of minimum salary in the Republic shall be imposed on an editor-in-chief if:

- (1) he publicizes an information supplied in an unlawful way, as prescribed by the Article 7 of this Law;
- (2) he publicizes or transmits information which advertises products the advertising of which is prohibited pursuant to provisions of the Article 7 of this Law;
- (3) he fails to protect the integrity of a person under age (Article 7 of this Law)
- (4) it does not inform about viewpoints and activities of political parties in terms of provisions set out in the Article 32 herein;
- (5) upon the request of competent state authority, the medium fails to promptly and authentically publicize a statement in terms of provisions set out in Article 47 herein;



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The infringement as set out in the line (1) herein shall be sanctioned on the founder or publisher/broadcaster chargeable from twenty-fold to fifty-fold minimum salary in the Republic.

**Article 67**

A fine chargeable from ten-fold to twenty-fold minimum salary in the Republic shall be imposed on an editor-in-chief on the grounds of the infringement of the law if:

- (1) he curtails the freedom of journalists as granted by provisions of the Article 42, 43 and 44 of this Law;
- (2) pursuant to the provisions of this Law, he fails to publicize a reply or correction to the information that was previously publicized and which violates someone's right or interest (Article 49 and 50);
- (3) if commentary to a reply or correction is publicized concurrently with the referred response or correction (Article 49);

The infraction as set out in the line (1) herein shall be sanctioned on a founder or publisher/broadcaster chargeable in the amount of twenty-fold to fifty-fold minimum salary in the Republic.

**Article 68**

A fine in the amount of ten-fold to fifty-fold amount of the minimum salary in the Republic shall be imposed on an author or a person who gives a false information or untruthfully transmits it with a purpose of publicizing it in a public media. (Article 31).

**Article 69**

A fine in the amount of twenty-fold to fifty-fold minimum salary in the Republic shall be imposed on a printing house or a publisher of the news item that was not printed in the referred printing plant if, upon providing printing service to an unregistered public medium, it fails to immediately forward one copy of the first copies of each printed item to the competent authorities as prescribed by the Article 39 of this Law.

The infringement as set out in paragraph (1) herein shall also be sanctioned on the authorized person of a printing house or of the publisher for the items not printed in the printing house, chargeable in the amount of ten-fold to twenty-fold minimum salary in the Republic.

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## IX THE TRANSITIONAL AND FINAL PROVISIONS

## Article 70

On the day of coming into effect of this Law, public information media shall continue their work pursuant to the terms and conditions as prescribed at their registration into the register of public media, while they are obliged to complete the procedure of conforming their organization structure and their general by-laws to the provisions of this Law within 60 days upon the date of coming into effect of this Law.

## Article 71

The procedure of appointing managerial bodies of legal entities which perform information, publishing and broadcasting activities founded by the Republic or a local authority, shall be performed within 60 days from the date of coming into effect of this Law.

The editor-in- chiefs of public media that are founded by the Republic or a local authority shall be appointed within 60 days from the date of coming into effect of this Law.

## Article 72

Regulations as for the enforcement of this Law shall be enacted within 30 days from the date of coming into effect of this Law.

## Article 73

The Public Information Law ("Official Gazette of the Republic of Montenegro", No. 56/93) as well as the statutory provisions and other regulations that are contrary to provisions of this Law shall become inoperative on the day of coming into effect of this Law.

## Article 74

This Law shall come into effect one day after the date its promulgation in the "Official Gazette of the Republic of Montenegro".