Project Fiche – IPA Annual Action Programme for Bosnia And Herzegovina
EU Support to the Independence and Empowerment of the Communications Regulatory Agency (RAK) of Bosnia and Herzegovina.

1. Basic Information
   1.1 CRIS Number:
   1.2 Title: EU support to the independence and empowerment of the Communications Regulatory Agency (RAK) of Bosnia and Herzegovina.
   1.3 ELARG Statistical code: 05.36 –Information society and media
   1.4 Location: Bosnia and Herzegovina

Implementing arrangements:

1.5 Contracting Authority: EC Delegation in Bosnia and Herzegovina
1.6 Implementing Agency: EC Delegation in Bosnia and Herzegovina

1.7 Beneficiary (including details of project manager):
   1.7.1 Primary beneficiary: Communications Regulatory Agency (CRA)
   Project manager:
   Dunja Mijatovic, Director of Broadcasting Sector
   Mehmeda Spahe 1, Sarajevo,
   Tel: + 387 33 250 600, e-mail: dmijatovic@rak.ba
   1.7.2 Secondary beneficiaries:
   - Ministry of Transport and Communications of BiH.
   - BHRT

Financing:

1.8 Overall cost: 300,000 EUR
1.9 EU contribution: 300,000 EUR (100%)
1.10 Final date for contracting: N+2
1.11 Final date for execution of contracts: N +4
1.12 Final date for disbursements: N + 5

2. Overall Objective and Project Purpose

2.1 Overall Objective
CRA remains an independent, self sustainable, technically efficient institution. Harmonisation of national legislation with the EU regulatory framework for electronic communications

2.2 Project purpose:
Project purpose 1: Strengthening of relevant sectors within RAK for the purpose of introduction of Digital terrestrial television (DTT) in BiH (DTT Forum), in order for RAK to be able to meet new requirements in regard to future work on creation of DTT Strategy on the state level.

Project purpose 2: Strengthening RAK broadcast division in order to be able to implement European Convention on Transfrontier Television and EC "Television Without Frontiers" directive, PBS regulation, licensing and harmonisation with EU standards.
2.3 Link with AP/NPAA / EP/ SAA
The European Partnership calls for BiH to fully implement agreed Public Broadcasting System (PBS) reforms, and to maintain the independence of RAK. MIPD 2007-2009 under the section Political standards states: “(...) CRA remains an independent, self sustainable, technically efficient institution.”

Furthermore, the European Partnership for BH - Medium-term Priorities Plan, Priority No. 25b is related to maintaining the independence of CRA, and objective of this priority is “to maintain financial independence of CRA”.

Bosnia and Herzegovina 2006 Progress Report emphasized that “the CRA of BiH is in charge of the implementation of legislation and monitoring of the market situation in the area of information society, media and audiovisual policy. It has been active in preparing for effective competition to be introduced in the telecommunication market. With more resources, the CRA will be better positioned to play the necessary active role in promoting competition in the sector. Because of this fact it is necessary to ensure independence od CRA (including financial). Relevant SAA articles are attached as Annex 3.

2.4 Link with MIPD
MIPD 2007-2009 in section 2.2.1. “Political Requirements”, 2.2.1.1. “Main areas of intervention, priorities and objectives” states the following: “Supporting the media to develop an independent, high quality public broadcasting service and regulatory environment in line with EU standards”.

Furthermore, section 2.2.1.2.”Expected results and time-frame” states: “The Public Broadcasting restructuring programme is implemented according to the State Law on PBS and CRA remains an independent, self sustainable, technically efficient institution.”

Finally, section 2.2.1.3. “Programmes to be implemented in pursuit of these objectives” states: “Implementation of the Public Broadcasting Service laws and development and implementation of broadcasting regulations and thereto related capacity building”.

2.5 Link with National Development Plan (where applicable)
Attached as Annex 3

2.6 Link with national/ sectoral investment plans(where applicable)
Attached as Annex 3

3. Description of project
3.1 Background and justification:
The Communications Regulatory Agency is an independent State institution regulating telecommunications and broadcasting throughout Bosnia and Herzegovina. Established on 2 March 2001 by a Decision of the High Representative, it combines the competencies of the Independent Media Commission (IMC) and the Telecommunications Regulatory Agency (TRA), which were separately regulating their respective sectors. The obligations and responsibilities of the Agency are clearly laid out in the BiH Law on Communications, which was imposed by the High Representative on 21 October 2002. Later on, on 2 September 2003, this law was adopted by the Parliamentary Assembly of BiH. The Telecommunications Sector Policy Document provides the roadmap for the country’s future telecom policy and was adopted by the Council of Ministers in March 2002. The Agency implements this policy.

The Agency was created as a converged regulator – one of the first National Regulatory Authorities (NRA) to regulate both telecommunications and broadcasting industries. The
Agency is headed by the Director General – nominated by the Council of the agency and approved by the Council of Ministers. The Director General manages the day-to-day operations including implementation of relevant laws and policies, technical oversight, industry affairs and staffing.

The Agency is responsible for regulating the three principle fields of convergent communications: telecommunications, broadcasting and the management and allocation of the frequency spectrum. The presence of the Agency in BiH is reinforced through its two offices in Banja Luka (Republika Srpska) and Mostar (Federation of BiH).

These are clearly laid out in the BiH Law on Communications, which was imposed by the High Representative on 21st October 2002, and adopted by the Parliamentary Assembly of BiH on 2nd September 2003. The Law states the duties of the Agency are as follows:

- To promulgate rules on broadcasting and telecommunications, and ensure adherence thereto;
- To license broadcasters and telecommunications operators pursuant to the provisions of this Law, and monitor their compliance with licence conditions;
- To plan, manage, allocate and assign frequency spectrum and monitor the use of it as well as to maintain and publish a frequency usage plan for the whole territory of Bosnia and Herzegovina;
- To require the disclosure of such information as is necessary for the due performance of its regulatory obligations;
- To apply technical and quality standards, for example to ensure interconnection and functionality of public telecommunications networks and telecommunications services;
- To establish and maintain a technical licence fee system for both broadcasting and telecommunications; and
- Such other duties as are assigned to it under this Law or by the Council of Ministers.

Bosnia and Herzegovina has signed and ratified the European Convention on Tran frontier Television. The ratification of aforementioned document is bringing new duties and obligations for RAK such as advertising limits, and provisions for European audio visual works, independent production etc. In the future BiH should also sign EC "Television Without Frontiers" directive. In order to be able to comply with all required EU acquis communitaire, along with RAK rules and regulation, the Agency needs to have functional, modern and capable content monitoring equipment.

CRA conducts monitoring activities in accordance with its legal obligations prescribed by the BiH Law on Communications. The current capacities of CRA enable monitoring of only one location at a given time. CRA is finding it increasingly difficult to carry out all monitoring that is required due to the following: increased monitoring requirements; expanded telecommunications market; expected market digitalisation; introduction of new technologies; and international developments. In order to ensure BiH is able to carry out all required monitoring activities, it will be necessary to have equipment which will be compatible with existing equipment. It will be equipment for disposing of different types of data and up-dating of video and audio materials in the Banja Luka and Mostar offices.

Specification of equipment:
Servers, power supplies, UPS, network switches and hubs, cable set, turner cards FM/TV, and adequate memory storage for 10 TV I 20 FM programs.

New competences and areas of activity of the RAK are determined mainly by the rapid evolution of the convergent processes and the development of new services and new business
model that will require over the next years the adaptation of the existing framework to a new market and technological context.

In the light of the digitalisation of the network and the convergence process, it is necessary to adapt the regulation to a future transition of the terrestrial broadcasting networks from the analogue to the digital standard.

To this end, and following the recommendations from the “ECONOMIC AND LEGAL ANALYSIS OF THE COMMUNICATIONS SECTOR IN BiH http://www.cra.ba/en/public-affairs/pressr/default.aspx?cid=4268 , two main regulatory steps have been taken:

a) **Digital Plan of BiH** as a part of “Final acts of the Regional Radiocommunication Conference for planning of the digital terrestrial broadcasting service in parts of Regionas 1 and 3, in the frequency bands 174-230 MHz (RRC-06)” is already drafted by the RAK in line with ITU requirements for frequency coordination. This plan is to be introduced for an adoption to the Council of Ministers in a near future.

b) **DTT Forum has been established** http://www.cra.ba/en/public-affairs/pressr/default.aspx?cid=4127

DTT Forum involves all the stakeholders: RAK, the policy-makers, the industry aimed at drafting the regulatory framework for the transition to DTT.

Strategic options of DTT Forum are as follows:
- the amount of capacity that can be allocated at national or local level for the digital broadcasting in the initial phase;
- how to allocate the capacity (to existing broadcaster, to new operators, etc) and through which procedure (a merit base procedure, an auction, etc.);
- the identification of the different phases of the transition (coexistence of analogue and digital broadcasting; gradual turn off of analogue networks etc) and switch-off strategy if advisable;
- the identification of different players in the value chain of digital broadcasting: network operator, content provider, service provider etc. and the role played by each of them;
- the identification of different licenses (and therefore different requirements and obligations) for the different players in the value chain: a license for the network operator, a license or authorization for the content provider etc.

**Television without Frontiers (TWF)**

The following area of activity will involve the adaptation of all existing rules and regulations to the European Convention on Transfrontier Television and, in the perspective of a future process of integration with the European Union a progressive adaptation to the EU sector directives. In order to comply with the provisions of the European Convention on Transfrontier Television, **CRA Code on Advertising and Sponsorship has been amended. The Code entered into force on January 1st 2007.**

3.2 **Assessment of project impact, catalytic effect, sustainability and cross border impact (where applicable)**

- Internal market- improving the sector efficiency and provision of better quality services
- Preparation for SAA in relation to broadcasting (attached as Annex)
- Competitive market - better quality of program and liberalisation of market

3.3 **Results and measurable indicators:**

1. National **Strategy for introduction of Digital terrestrial television (DTT) in BiH is defined**
2. Preparation of frequency resources for transition from analogue to digital broadcasting conducted
3. Content Monitoring equipment installed.


3.4 Activities:

*Activities related to result 1.*
1.1. Preparatory activities related to drafting of National Strategy for introduction of Digital terrestrial television (DTT) in BiH
1.2. DTT forum is able to carry out its tasks
1.3. Drafting of Strategy and its publication
1.4. Training of relevant stakeholders for successful introduction of Digital terrestrial television in BiH

*Activities related to result 2.*
2.1. Training for RAK frequency department staff for transition from analogue to digital broadcasting (long-term process)
2.2. Preparation of set of recommendations for transition phase

*Activities related to result 3.*
3.1. Installation of monitoring equipment
3.2. Training for RAK staff for the efficient use of the monitoring equipment

*Activities related to result 4.*
4.1. Training of RAK staff for the successful implementation of European Convention on Transfrontier Television and EC “Television without frontier” directive
4.2 Revision of existing Broadcasting Code of practice
4.3. Preparation of publication/information leaflets
4.4. Printing and distribution of leaflets to end users.

Activities 1, 2 and 4 will be implemented through Twinning light contract (contract 1), and the activity 3 – a supply contract (contract 2).

3.5 Conditionality and sequencing:
No conditionality.

3.6 Linked activities
CRA has already been the beneficiary of EU assistance

**Cards 2002** (implemented in the period of August 2005-September 2006). Twinning with the Italian regulatory agency, AGCOM: “Support to the Communications Regulatory Agency of Bosnia and Herzegovina” (€0.5m), to assist the CRA in completing and implementing the reform of the audiovisual and electronic communications sectors.

In particular, AGCOM has carried out following activities:
- Strengthened CRA capacities in order to conduct sector analysis, researches and necessary assessments;
- Supported CRA in the drafting of relevant secondary legislation and regulation in order to effectively update the BiH regulatory framework to meet the EU standards,
- Transferred relevant competences and know how that will enable the CRA to effectively perform its institutional role in compliance with the acquis.

**CARDS 2005**, supply for monitoring department (1 mil. Euro). Equipment is installed and operated.
**Cards 2006 Twinning Light** with the Italian regulatory agency, AGCOM (€0.25m, implementation will start on February 2007) and Supply (€0.3m, finished). The project will start in February 2007 and is a continuation of previous programmes.

**Results of this project will be:**
- Prepared draft of BiH regulatory framework (RF) harmonised with EU RF along with respective measures;
- Efficient spectrum management; updated frequency allocation table in accordance with recommendations and directives of ITU and EU; Frequency utilisation plan of BiH prepared;
- Skills of CRA expert staff upgraded for the regulatory framework harmonisation with EU Transfrontier Convention and EU recommendations, the broadcasters’ compliance monitoring and for proper market analyses;
- Prepared draft of PBS regulatory package (issuance of the licence, monitoring the compliance with the Transfrontier Convention and all CRA rules and regulations, assigning frequencies).

**3.7 Lessons learned**
Under the previous CARDS projects, with CRA as the beneficiary, the international experts worked closely with the beneficiary in order to adjust their lectures, training programme and content related materials to the specific needs of the CRA. That lesson was incorporated in the design of the current project and now it is easier to establish criteria and specific requirements for expert working with CRA staff.

During the implementation phase of CARDS 2006, CRA will get software for register of communication licensees, and it will be very important tool for CRA staff.

**4. Indicative Budget (amounts in €)**

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<thead>
<tr>
<th>Activities</th>
<th>TOTAL COST</th>
<th>SOURCES OF FUNDING</th>
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<td>EU CONTRIBUTION</td>
<td>NATIONAL PUBLIC CONTRIBUTION</td>
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<td>Total</td>
<td>Total</td>
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<td>Twinning Light</td>
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<td>Supply</td>
<td>50,000</td>
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<td>TOTAL</td>
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* expressed in % of the Total Cost

**5. Indicative Implementation Schedule (periods broken down per quarter)**

<table>
<thead>
<tr>
<th>Contracts</th>
<th>Start of Tendering</th>
<th>Signature of contract</th>
<th>Project Completion</th>
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<tr>
<td>Contract 1</td>
<td>Q1 2008</td>
<td>Q2 2008</td>
<td>Q1 2009</td>
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<td>(Twinning Light)</td>
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<tr>
<td>Contract 2</td>
<td>Q1 2008</td>
<td>Q2 2008</td>
<td>Q1 2009</td>
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<td>(Supply)</td>
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All projects should in principle be ready for tendering in the 1ST Quarter following the signature of the FA

**6. Cross cutting issues (where applicable)**
6.1 Equal Opportunity
Equal opportunity principles and practices in ensuring equitable gender participation in the project will be guaranteed. Male and female participation in the project will be based on EU standards and assured by official announcements published to recruit the necessary staff for the project. The main criteria for recruitment will be qualifications and experience in similar projects, not sex, religion or age. Both men and women will have equal opportunities.

6.2 Environment
Not applicable

6.3 Minorities
Not applicable
ANNEX I: Logical framework matrix in standard format

<table>
<thead>
<tr>
<th>LOGFRAME PLANNING MATRIX FOR Project Fiche</th>
<th>Programme name and number: EU support to the independence and empowerment of the Communications Regulatory Agency (RAK) of Bosnia and Herzegovina</th>
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<tbody>
<tr>
<td></td>
<td>Contracting period expires Disbursement period expires Total budget : 300,000.00 EUR IPA budget: 300,000.00 EUR</td>
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<thead>
<tr>
<th>Overall objective</th>
<th>Objectively verifiable indicators</th>
<th>Sources of Verification</th>
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<tbody>
<tr>
<td>CRA remains an independent, self sustainable, technically efficient institution. Harmonisation of national legislation with the EU regulatory framework for electronic communications</td>
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<table>
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<tr>
<th>Project purpose</th>
<th>Objectively verifiable indicators</th>
<th>Sources of Verification</th>
<th>Assumptions</th>
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<tbody>
<tr>
<td>1. Strengthening of relevant sectors within RAK for the purpose of introduction of Digital terrestrial television (DTT) in BiH (DTT Forum), in order for RAK to be able to meet new requirements in regard to future work on creation of DTT Strategy on the state level. 2. Strengthening RAK broadcast division in order to be able to implement European Convention on Transfrontier Television and EC &quot;Television Without Frontiers&quot; directive, PBS regulation, licensing and harmonisation with EU standards.</td>
<td>1. Relevant RAK staff trained for introduction of Digital terrestrial television (DTT), Digital Strategy is prepared and set of activities from Digital Strategy are proposed and realized. Date of switch off established. 2. Broadcasting Code of practice amended and entered into force, relevant RAK staff trained for taking over some specific EU standards</td>
<td>The Communication Regulatory Agency Report, EC reports</td>
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<thead>
<tr>
<th>Results</th>
<th>Objectively verifiable indicators</th>
<th>Sources of Verification</th>
<th>Assumptions</th>
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2. Preparation of frequency resources for transition from analogue to digital broadcasting conducted.

3. Content Monitoring equipment installed.


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<th>Activities</th>
<th>Means</th>
<th>Costs</th>
<th>Assumptions</th>
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<tbody>
<tr>
<td>1.1. Preparatory activities related to drafting of National Strategy for introduction of Digital terrestrial television (DTT) in BiH</td>
<td>Twinning light 250,000 euros</td>
<td>300,000 million euros</td>
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<td>1.2. DTT forum is able to carry out its tasks</td>
<td>Supply 50,000 euros</td>
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<td>1.3. Drafting of Strategy and its publication</td>
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<td>1.4. Training of relevant stakeholders for successful introduction of Digital terrestrial television in BiH</td>
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<td>2.1. Training for RAK frequency department staff for transition from analogue to digital broadcasting</td>
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<td>3.1. Installation of monitoring equipment</td>
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<td>4.1. Training of RAK staff for implementation of European Convention on Transfrontier Television and EC “Television without frontiers”</td>
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<td>Pre-conditions</td>
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4.2. Preparation of publication/information leaflets
4.3. Printing and distribution of leaflets to end users.
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ANNEX III

Reference list of relevant laws and regulations

The Communication Regulatory Agency, in charge of regulating the communications sector, was originally established in March 2001 by a decision of the High Representative, combining the competencies of the Independent Media Commission (originally responsible for regulating broadcasting) and the Telecommunications Regulatory Agency (in charge of telecommunications).

The Law on communications (Official Gazette of BiH, No. 31/03) of Bosnia Herzegovina entered into force in 2002 and confirmed the mandate and responsibilities of the RAK. Adopting a convergent approach, the Law has a wide scope including telecommunications, radio, broadcasting (including cable television) and associated services and facilities. The Law gives the RAK wide responsibilities in the sectors of the convergence market, broadcasting and telecommunications along with the frequency spectrum management:

a) regulating broadcasting and public telecommunications networks and services, including licensing, tariffing, interconnection, and defining the basic conditions for the provision of common and international communications facilities; and
b) planning, co-ordinating, allocating and assigning the use of the radio frequency spectrum.

The main duties of the Agency are:
a) to promulgate rules on broadcasting and telecommunications, and ensure adherence thereto;
b) to license broadcasters and telecommunications operators pursuant to the provisions of this Law, and monitor their compliance with licence conditions;
c) to plan, manage, allocate and assign frequency spectrum and monitor the use of it as well as to maintain and publish a frequency usage plan for the whole territory of Bosnia and Herzegovina;
d) to require the disclosure of such information as is necessary for the due performance of its regulatory obligations;
e) to apply technical and quality standards, for example to ensure interconnection and functionality of public telecommunications networks and telecommunications services;
f) to establish and maintain a technical licence fee system for both broadcasting and telecommunications; and

g) such other duties as are assigned to it under this Law or by the Council of Ministers.

Other institutions have specific responsibilities in the regulation of the sector, specifically, the Council of Ministers shall be responsible for developing and adopting policy in line with existing legislation. The Agency and the Council of Minister share responsibilities in adopting all reasonable measures that are aimed at achieving the following objectives:
a) The promotion of fair competition in order that users derive maximum benefit in terms of choice, price and quality;
b) That there is no distortion or restriction of competition in the communications sector according to the Council of Ministers sector policies;

The Public Broadcasting System (System) in Bosnia and Herzegovina, as defined by the Law on Public Broadcasting System of BiH, Official Gazette 78/05, is composed of three public broadcasters, and namely
- Public Broadcasting Service of Bosnia and Herzegovina (PBS BiH)
- Radio-Television of the Federation of Bosnia and Herzegovina (RTV FBiH),
- Radio-Television of Republika Srpska (RT RS)
This Law defines obligations and authorities of the RAK with regard to the System and its consisting parts as follows:

- the RAK shall issue appropriate licences to the public broadcasting services which will be charged a fee in accordance with the current regulations;
- the RAK shall set the licence fee;
- the RAK shall set the amount of time for advertising and teleshopping.

Concerning above mentioned, RAK has commenced activities for issuing the license for the System.

SAA articles

Article 102
Co-operation in the audio-visual field

The Parties shall co-operate to promote the audio-visual industry in Europe and encourage co-production in the fields of cinema and television.

Co-operation could include *inter alia* programmes and facilities for the training of journalists and other media professionals, as well as technical assistance to the media, the public and private, so as to reinforce their independence, professionalism and links with the European media.

Bosnia and Herzegovina will align its policies on the regulation of content aspects of cross-border broadcasting with those of the Community and will harmonise its legislation with the relevant _acquis_. Bosnia and Herzegovina will pay particular attention to matters relating to the acquisition of intellectual property rights for programmes and broadcast by satellite, terrestrial frequencies and cable.

Article 103
Information Society

Co-operation shall primarily focus on priority areas related to the Community _acquis_ regarding the information society. It will mainly support Bosnia and Herzegovina’s gradual alignment of its policies and legislation in this sector with those of the Community.

The Parties shall also co-operate with a view to further developing the Information Society in Bosnia and Herzegovina. Global objectives will include preparing society as a whole for the digital age, attracting investments and ensuring the interoperability of networks and services.

Article 104
Electronic Communications Networks and Services

Co-operation shall primarily focus on priority areas related to the Community _acquis_ in this field.

The Parties shall, in particular, strengthen co-operation in the area of electronic communications networks and electronic communications services, with the ultimate objective of the adoption by Bosnia and Herzegovina of the Community _acquis_ in the sector one year after the entry into force of this Agreement.
EU Integration Strategy of BiH
Regulation of electronic media – basic information:

Necessary measures

• It is necessary to harmonise all legislation from the field of audiovisual media with audiovisual acquis in accordance with Directive ‘Television without Borders’.

• To take over all relevant conventions of the European Council related to the field of culture and audiovisual media. Also, having in mind expansion of the film industry in BiH, ratification of the European Convention on Cinema Production (ETS No: 147 – Strasbourg, 2. 10. 1992) as soon as possible is recommended.

• To enable development of functional commercial broadcasting sector since it is the only way to achieve the highest professional standards and pluralism of the programme broadcast.

• To take continuous and systematic activities in the field of education of journalists and other media professionals.

• To support media self-sustainability, which is the key presumption for independent editorial policy

• To improve court and legislative practice in audiovisual sector through the full implementation of legislation harmonized with European legislation.
ANNEX IV  Details per EU funded contract (where applicable):

Contract 1 (Twinning Light) – Requirements for experts

**Key expert 1: Digital terrestrial television**

*Job description*
Overall coordination of the project activities, supporting the Consultant’s Programme Office for effective management and execution of the contract.

*Qualifications and professional experience*
- Graduate and/or post-graduate level degree in a relevant field
- Excellent communication and leadership skills
- Excellent communication skills in English, with local language knowledge as an advantage.
- Experience in the public broadcasting sector
  - Experience in technical regulations and implementation of National Strategy for introduction of Digital terrestrial television (DTT)

**Key Expert 2: Senior expert – Institutional strengthening**

*Job description*
His/her prime responsibilities relate to project purpose 2.

*Qualifications and professional experience*
- Graduate level degree in relevant field.
- Good communication skills in English.
- Sufficient experience in the broadcasting sector
- Broad experience in the areas of European Convention on Transfrontier Television and EC “Television Without Frontiers” directive, PBS regulation, licensing and harmonization with EU standards
- Experience in accession countries;
- Preference will be given to familiarity with BiH Legal system

**Short-term experts:**

- The Organization of all proposed trainings
- Preparation of reports
- Organization of study visits
- Establishing of communication and consultation mechanism during whole project
- Installation of monitoring equipment and relevant training
- Preparation of publication/information leaflets