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Regulatorna agencija za komunikacije

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INTRODUCTORY INDICATIONS

The work of the Communications Regulatory Agency (the Agency) in 2020 was directed towards the realization of the long-term activities in the area of communications, broadcasting and radiocommunications as well as the process of issuing of the licenses within the framework of the newly formed Licenses and Fees Sector. The activities of the other organizational units of the Agency started from the functions of the innovated and different organization of work in accordance with the new organizational scheme which started to apply in the largest part at the start of the calendar year 2020.

The Agency has continued the implementation of the activities in the area of telecommunications with the purpose of continuance of harmonization of the regulatory framework in BiH with the current European regulatory framework and the best practice with the special emphasis on the implementation of the market analysis procedures, establishment of the separate accounting methodology and improvement of the capacities for the verification of the service quality of the broadband Internet access. In 2020, the Agency has continued the realization of the project *Electronic communications market analysis* according to the methodology of EU, whose primary target is the analysis of the all identified relevant markets of the electronic communications in BiH and issuing of the new regulatory measures and decisions. The first two stages of the project are conducted within the stipulated deadlines, while the final activities due to COVID-19 pandemic were prolonged for the first half of 2021. The activities on the project of creation and implementation of the methodology of the accounting separation and cost accounting have been continued by the fact that the Agency in the first half of 2020 established the draft of *Rules on adoption of the methodology of accounting separation and cost accounting* and referred it to the process of public consultations after which the received commentaries of the operators and line ministries are processed. Likewise, the Agency has established NetTest application by which the end users perform measurements and testing of the Internet connection with the purpose of implementation of the broadband Internet access quality measuring system in BiH.

In 2020, the intensive cooperation was continued with more than 50 different organizations and institutions active in the area of media information literacy in BiH which was established in the previous year on the basis of the development medium-term plan of the Agency for the period 2019 to 2021. Particular attention is devoted to the realization of the project *Media literacy – protection of the minors*, which is implemented within the framework of the Instruments of the technical assistance and the information exchange (TAIEX) of the European Commission and in the framework of which the experts from EU countries provided training to the employees. The focus of the activity on the project is directed to the exchange of the current regulations from the area of broadcasting with the purpose of improvement of the rules that regulate the protection of the minors. To that end, for the necessities of the Agency and in the framework of the joint project of the Council of Europe and EU (JUFREX2) was created the analysis of the regulatory framework for the protection of the minors with the appropriate recommendations. In 2020 was initiated the drafting of the amendments of the codes and rules from the area of broadcasting for the purpose of fast harmonization of the regulation with the revised *EU Directive on AVM services (EU2018/1808)*. The draft of the proposal of the law regulations was created which relates to the electronic media in BiH.

In the circumstances caused by COVID-19 pandemic, the initiated activities for the entry of TV stations in Multiplex C were suspended, having in mind that the Agency has given the approval on the request of the licensed multiplex operator for the extension of the deadline for realization of the obligations from the *License for using of RF spectrum for the provision of management services of electronic communication network in the digital terrestrial diffusion* and established the calendar end of 2021 as the final deadline for achievement of 90% of the coverage with this service in BiH. Having in mind the drop of broadcaster's revenues and due to general consequences of the pandemic, the Agency has also altered the amount of annual calculation fee rate for broadcasting licenses from 0.25 instead of the present 0.50%.

The Agency has continued the harmonization and updating of the Use and Purpose Plan of RF spectrum in BiH in accordance with the conclusions of the World Radio Frequency (WRC 19)

and it is initiated the creation of the new Normalization Plan which the Agency harmonized with the Ministry of Defense of BiH and international peace forces in the previous years. In 2020, two important projects determined by the medium-term work plan and the development plan of the Agency were initiated:

1. The verifications of the parameters of the service quality of the communication networks through the organization of the measurement campaigns in accordance with the conditions of the License for the use of RF spectrum for providing electronic communication services through mobile access systems awarded to the dominant telecom operators and
2. Control of the level of ionized radiation for the purpose of protection of people.

The other project is of public importance, in this way the activities on issuing the rules were conducted in parallel, the procurement of the complementary equipment and the campaign of familiarizing of the population on the influence of the electromagnetic field to the lives of the people. In the second half of 2020, it was initiated the campaign of the intensive monitoring and immediate control of the technical parameters of the license holders for providing of AVM services and the media services of the radio which will be continued in the following year. In the framework of the campaign, the Agency started the processing of the observed violations of technical conditions of the license and the imposition of the enforcement measures. In parallel with these activities, the detection and identification of the legal use of RF spectrum was continued as well as the generation and verification of the available frequency resources for the necessities of planning and management of RF spectrum.

In April 2020, the Agency issued the License to the Public RTV system in the duration of five years which is consisted of three individual licenses for the public RTV services: BHRT, RTVFBiH and RTRS. Also, it is issued the permission for the additional programme service for RTRS Plus programme.

Through a newly formed Licenses and Fees Sector, the Agency has ensured the continuity of the unified issuing, amendment, suspension of transmission and premature termination of license usage, which was performed in the framework of the special areas of the Agency until 1 January 2020. Thereby, in the functional manner was performed the rationalization of the processes for all licence holders and ensured the convergent approach to the process of the request verification.

In 2020 personnel changes have also occurred in the Agency's bodies, with the appointment of the new Director General.

Due to the new situation caused by COVID -19 pandemic, from March 2020 the largest part of the international activities, conferences and working bodies was cancelled in which the Agency was to participate and sessions via *online* platforms were organized. Through the reorganization of the current activities and in the conditions of the pandemic, the Agency provided the functionality of the work and undisturbed operation of the institution.

With the continuance of the realization of the strategic activities started in 2020 were created the preconditions for the adequate response of the Agency to the challenges of the contemporary markets' regulation and fast technological changes in the world of the modern communication.

Director General

Draško Milinović

1. MANAGEMENT STRUCTURE OF THE AGENCY

COUNCIL:

- Nino Ćorić – Chairman
- Faruk Borić – Vice- Chairman
- Miloš Šolaja – Member
- Zoran Tomić – Member
- Ljubo Božović - Member

MANAGEMENT EMPLOYEES:

- Draško Milinović – Director General
- Amela Zametica – Akšamija – Secretary of the Agency
- Tijana Milovanović – Assistant of the Director for Telecommunications
- Amela Odošević – Assistant of the Director for Broadcasting
- Čedomir Marković – Assistant of the Director for Radiocommunications
- Zdravko Drakulić – Assistant of the Director for Legal, Financial and General Affairs
- Žaneta Begić – Manager of the Licences and Fees Sector
- Boris Kujundžić – Manager of the Public Relations Sector
- Predrag Divljan – Manager of the Information Technology Sector
- Siniša Petrović – Manager of the Regional Sector of Banja Luka
- Jasmin Mušović – Manager of the Regional Sector of Mostar

2. COUNCIL OF THE AGENCY

In accordance with the Law on Communications, the Council of the Agency manages the Agency regarding the strategic questions of implementation of the Law on Communications of BiH. Furthermore, the Council of the Agency has the function of the appellate body for the decisions issued by the Director General. The Council of the Agency adopts the proposal of the budget of the Agency for every fiscal year. The Council of the Agency holds the sessions if it is necessary and at least four times per year.

During 2020, the Council of the Agency has held eight sessions of which four are regular and four are extraordinary sessions.

In 2020, the Council of the Agency adopted the following documents:

- Plan and programme of the operation of the Council of the Agency for 2020,
- Plan and programme of the operation of the Council of the Agency for 2021,
- Proposal of the Agency's Budget for 2021,
- Annual Report of the Agency for 2021,
- Rule 92/2020 on the amateur radio service,
- Draft of the code on the amendment of the Code on the audiovisual media services and radio media services,
- Decision on the amendment of the Decision on the amount of the rate and the value of the point for the annual fee calculation for licences for 2020,
- Decision on the amount of rate and the value of the point for the annual fee calculation for licences for 2021,
- Supplement of the Ethical Code of the Agency and
- Amendments of the Rules of Procedure of the Council of the Agency.

Likewise, the Council of the Agency has considered:

- 8 information and 4 reports.
- In 2020, within the statutory appeal function, Council of the Agency resolved eight complaints in the second instance proceedings.
- In 2020, Council of the Agency has implemented the procedure of establishment of the proposal for the appointment of Mr Draško Milinović for the Director General in accordance with Article 40, Paragraph (1) and (2) of the Law on Communications and the established proposal for the appointment of the Director General on 24 April 2020 referred to the Council of Ministers of BiH for further action.
- In 2020, The Council of the Agency, in accordance with the relevant provisions of the Law on Public Radiotelevision Service of BiH conducted the procedure of establishing of three ranking list of the candidates for the members of the Board of Directors of the Public Radiotelevision Service of BiH from the ranks of Bosniak, Croatian and Serb people and it forwarded the same on further action to the Parliamentary Assembly of BiH which according to the mentioned Law conducts the final appointment of the members of the Board of Directors of the Public Radiotelevision Service of BiH.
- From 11 July 2017, when it has entered into force the Decision of the Parliamentary Assembly of BiH on the dismissal of Mr Mirza Milišić from duty of the member of the Council of the Agency, after his resignation, the Council of the Agency operated in the incomplete composition of six members.

On 27 April 2020, Plamenko Čustović has filed a resignation on the position of the member and the Chairman of the Council of the Agency and since then the Council of the Agency has operated in the incomplete composition of five members. After the resignation of the chairman of the Council Plamenko Čustović, at the assemblies of the Council of the Agency until the election of the new chairman and vice-chairman of the Council of the Agency presided the present vice-chairman of the Council of the Agency Zoran Tomić. At the 54th session of the Council of the Agency held on 22 December 2020, the members of the Council of the Agency have elected the new Chairman of the Council of the Agency Nino Ćorić and the Vice-chairman of the Council of the Agency Faruk Borić. The mandate of the current form of the Council of the Agency has expired on 23 December 2017 on which the Council of the Agency notified both houses of the Parliamentary Assembly of BiH and stated that until the appointment of the new form, the Council will continue to fulfill legal obligations in the best interest of the end-users of the services regulated by the Agency.

3. THE AREA OF OPERATION

3.1. TELECOMMUNICATIONS AREA

3.1.1. Projects and regulatory framework

In the telecommunications area, the Agency continued to implement the activities for the purpose of continuance of harmonization of the regulatory framework with the applicable European regulatory framework and the best practice with the emphasis on conducting the procedures of market analysis, the establishment of the methodology of separate accounting and the improvement of the capacities for verification of the service quality of the broadband Internet access. During 2020 first two stages of the projects have been implemented, Market analysis of the electronic communications according to the EU methodology which is conducted in cooperation with the consultancy house Vafer. The activities which included data collection, their processing, creating of the analysis proposals and their referral to public consultations are conducted in the estimated deadlines. Due to objective circumstances caused by COVID-19 pandemic, the conducting of the final activities in the project which stipulated holding the meetings and conducting of the training of the employees of the Agency was becoming difficult and the finalization of the project was prolonged for the first half of 2021.

In the framework of the continuance of the activities on the Project of creation and implementation of the methodology of accounting separation, the Council of the Agency at the assembly held on 21 February 2020 has considered and established the Draft of the Rules on Adoption of the Methodology of the Accounting Separation and Cost Accounting and referred it to the procedure of the public consultations. Considering certain disputed issues which in the procedure of the public consultations have initiated the operators and the competent line ministries during 2020 additional work meetings were held and the new Draft of rules was prepared whose adoption is expected in 2021.

Within the implementation of the system for quality measurement of the Agency established NetTest application of Communications Regulatory Agencies by which the end user conducts measurements and testing of their internet connection whether it is a fixed or wireless access. With CRA's NetTest as the integral part of the system of measurement of speed and quality of the broadband internet access are also procured ANT Box devices that give the opportunity of measurement and testing of the end user connection on the fixed location by which are significantly improved the capacities of the Agency regarding the verification of the work of the operator and the protection of the interests of the end users.

3.1.2. Fixed telephony

For providing of the fixed public telephone services, it is necessary the licence issued by the Agency. There are two types of licences: Licence for the public operator of the fixed telephony and Licence for providing of the fixed public telephone services. The users of the licence for the public operator of the fixed telephony have the right to install, put into operation, use and maintain the fixed public telecommunication network and provide fixed public telecommunication services via network at the territory of the state of BiH.

3.1.2.1. The users of the licences for conducting the activities of the provider of the fixed public telephone services

During 2020, it is performed the internal reorganization of the Agency with the start of the application from 1 October 2019. New independent Licences and Fees Sector is established as the competent for issuing of the licences. All procedures which have been initiated up to 1 October 2019 are completed in the competence of Telecommunications area, Network and Services Department.

On that basis are issued the licences to the following operators:

- Veritel d.o.o. Ugljevik, Licence for providing of the fixed public telephone services, date of issuing: 10 March 2020
- Adria Net d.o.o. Mostar:
- Licence for conducting activities of the operator of the public electronic networks, date of issuing: 19 February 2020,
- Licence for conducting the activities of the provider of the internet access, date of issuing: 14 February 2020,
- Sector technology d.o.o. Brčko district BiH, License for conducting the activities of the operators of the public electronic networks, date of issuing: 14 February 2020.
- Miss net d.o.o. Bihać, License for conducting the activities of the providers of the fixed public telephone services, date of issuing: 28 January 2020
- Trim Com d.o.o. Žepče, procedure by the requests for issuing of the License for conducting the activities of the operator of the public electronic networks and Licenses for conducting activities of the internet access providers terminated on 3 February 2020 at the request of the applicant
- TXTV d.o.o. for telecommunications Tuzla, License for conducting of the activities of the providers of fixed public telephone services, date of issuing: 3 December 2020 (issued from the Licenses and Fees Sector).

Before mentioned licences are issued with the obligation of the operator that before the start of providing of services perform all obligations of the legal interceptions of the telecommunications and giving the access to the kept data in the manner prescribed “By the Decision on the particular obligations of the legal and natural persons that provide telecommunication services, administrate telecommunication networks and conduct telecommunication activities regarding the security and maintenance of the capacities which will enable the authorized agencies to perform legal interceptions of telecommunications, as well as capacities for storage and provision of the telecommunication data” (Official Gazette of BiH, number 104/06 and 58/07) and that the operators procure the certificate on the same from the Joint Board of Directors for illegal interceptions of communications and the manner of performing the activities (JBD) and such certificate submit to the Agency . Up to 31 December 2020, neither of the mentioned operators delivered such certificate of JBD or it has started to conduct the activities according to the licence.

Table 3 Overview of the operators, Licence holders for conducting the activity of providers of fixed public telephone services in 2020

No.	Name of the user	No.	Name of the user
1	AKT.ONLINE d.o.o. Sarajevo	8	M&H COMPANY d.o.o. Sarajevo
2	BLICNET d.o.o. Banja Luka	9	TELEMACH d.o.o. Sarajevo
3	DETEL d.o.o. Sarajevo	10	TELRAD NET d.o.o. Bijeljina
4	ELTA-KABEL d.o.o. Dobož	11	Teledigital d.d. Sarajevo
5	EUROPRONET BOSNIA d.o.o. Sarajevo	12	SOFTNET d.o.o. Sarajevo
6	LOGOSOFT d.o.o. Sarajevo	13	Veritel d.o.o. Ugljevik
7	MISS.NET d.o.o. Bihać	14	TXTV d.o.o. za telekomunikacije Tuzla

3.1.2.2. Development of the fixed telephony services

Regarding the prices of the voice phone services of the operator with the significant market power on which the Agency issues the approval, the operators have performed the following amendmends of the pricelist of the fixed telephony:

- BH Telecom has increased the price of the monthly subscription for MojaTV Phone, MojaTVNet and MojaTV Full package and in the offer introduced the service „Cloud Call Centre “and performed the improvement of the service „Moj izbor “and IP Centrex and the packages Moja TV Net 3 and Moja TV Full 3and introduced into offer the additional services for subscribers MojaTV Net-Go and MojaTV Full-Go services and the new package BizPhone Plus. Amendmends of the Reference Offer for the Wholesale of the Rented Lines and General Conditions for Provision of the Telecommunications Services are also performed.
- Telekom Srpske conducted certain improvements in the framework of TOTAL GROUP of the services and IP Centrex services and introduced into the offer the tariff option „BiH fixed – the other “and the package of the integrated services „TV+NET: mini “. Also, amendmends of the General Conditions for providing of the telecommunication services are performed.
- HT performed certain improvements of DUO Office package of the integrated services and introduced into the offer new services Custom Cloud Server, Firewall Business and Firewall Premium intended to the business users of the public fixed network. Also, amendmends of the General conditions for providing telecommunication services are performed.

In the continuance are given the elements of the development of the fixed telephony for the period from 2011 to 2020 from the aspect of the number of subscribers.

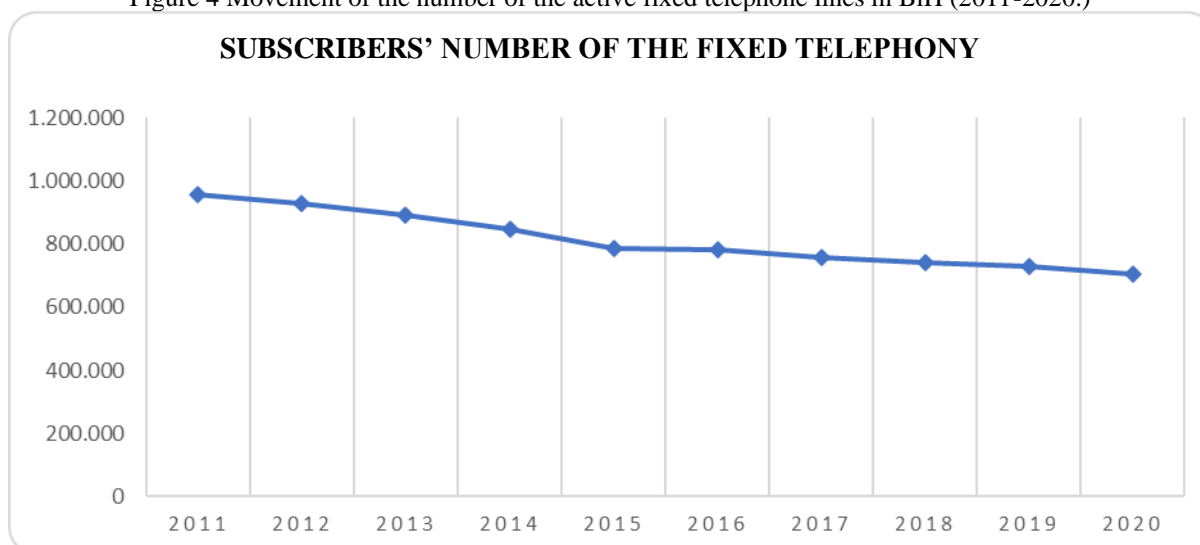
Table 4 Number of subscribers' lines of the fixed telephone network in BiH (2011- 2020.)

Number of the fixed direct telephone lines in the operation						
Telecom operator	BH Telecom	Telekom Srpske	HT Mostar	Alternative operators	Total	Index
2011	480,903	337,991	124,462	12,581	955,937	96.59
2012 ¹	458,721	322,581	121,888	26,263	929,453	97.23
2013	423,429	308,270	114,785	45,138	891,622	95.93
2014	379,214	295,680	108,864	65,458	849,216	95.24
2015	326,738	276,876	103,881	78,260	785,755	92.52
2016	317,686	263,171	101,132	102,234	784,223	99.81
2017	290,308	245,350	98,463	125,230	759,351	96.83
2018	267,222	235,281	98,271	140,021	740,807	97.56
2019	259,302	226,726	97,701	144,593	728,322	98.31
2020	246,154	217,407	97,208	146,149	706,918	97.06

The source: Reports of BH Telecom, Telekom Srpske, HT Mostar and alternative operators

In Table 2 is given the total number of fixed telephone lines which represent the sum of the active analogue fixed lines, ISDN (digital network of the integrated services) channels, number of the public telephone boxes and VoIP (Voice over IP) subscriptions. Index of the growth (number of the fixed direct telephone lines in operation for 2020 (number of the fixed direct telephone lines in operation for 2019) in 2020 is 97.06.

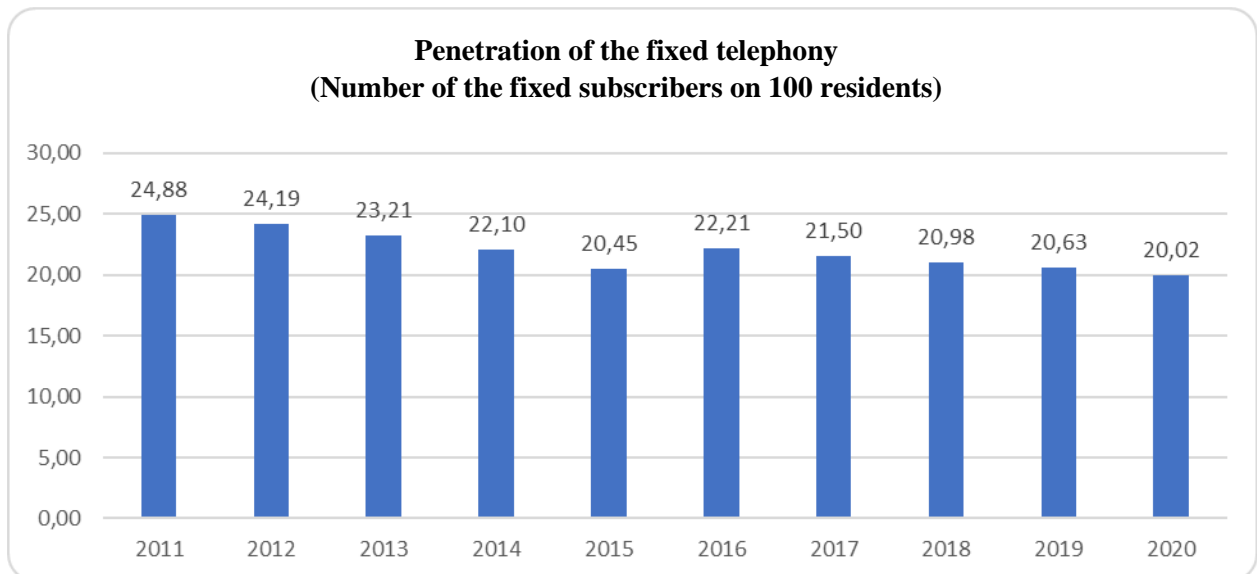
Figure 4 Movement of the number of the active fixed telephone lines in BiH (2011-2020.)



As it is illustrated on Figure 4, the number of active fixed lines is falling in comparison to 2019. The level of penetration in the fixed telephony at the end of 2020 is 20.02%. In 2015, the penetration was calculated on the basis of the assessment of the number of residents, while from 2016 is used the data from the census 2013 (census in BiH 3, 531,159).

¹Number of the active fixed telephone lines for 2012 in the Annual Report for 2012 is different from the number of the active fixed telephone lines from 2012 in this Annual Report. The difference in the number occurred due to corrections of data delivered by the operators after the publishing of the Annual Report for 2012.

Figure 5 Penetration of the fixed telephony in BiH (2011-2020)



3.1.3. Mobile communication

3.1.3.1. Licence users for providing of GSM/UMTS/LTE services

In BiH operate three licenced mobile operators:

- PC BH Telecom d.d. Sarajevo (BH Telecom);
- Telekomunikacije RS a.d. Banja Luka (Telekom Srpske) and
- PC Hrvatske komunikacije d.d. Mostar (HT Mostar).

In accordance to the Decision on licenses for the use of the radiofrequency spectrum for providing the service via mobile access systems (Official Gazette of BiH, number 23/19), the Agency on 8 April 2019 awarded to the mobile operators licences for the usage of the radiofrequency spectrum for provision of services via mobile access systems to the existing licenced mobile operators. On the day of issuing of the new licences, the licenses for providing GSM services, licences for the usage of the frequencies within the frequency scope of DCS and the licence for providing mobile services on the universal mobile telecommunication system which were previously issued to the licenced mobile operators have ceased to be valid.

3.1.3.2. Registered providers of the mobile telephone services

For the operators of the mobile services (Service Provider – SP) there is a possibility of action through commercial contracts with the licenced network operators (MNO), that is, holders of the licence for the usage of the radiofrequency spectrum for providing services via mobile access systems (BH Telecom, HT Mostar, Telekom Srpske).

During 2020, on the networks of the three mobile network operators: BH Telecom d.d. Sarajevo, M:tel a.d. Banja Luka and HT Mostar d.d. the following operators were kept as registered providers of mobile services on the basis of the concluded commercial contracts on the access to the network:

- Blicnet d.o.o. Banja Luka (ceased to operate on 31 August 2020);
- LOGOSOFT d.o.o. Sarajevo;
- Telrad Net (ceased to operate on 1 April 2020);

- Elta Kabel (ceased to operate on 6 July 2020);
- DASTO SEMTEL d.o.o. Bijeljina;
- NOVOTEL d.o.o. Sarajevo.

The first service provider that appeared on the mobile telephony market was IZI mobil d.o.o. Sarajevo to which the Agency issued the Decision on the registration of the mobile service provider in May 2012. IZI mobil worked as the provider of the mobile services via mobile network of Telekom Srpske. At the beginning of 2016, to the Agency was delivered the announcement from this operator on the intention of termination of provision of the mobile telecommunication services, due to, as it was mentioned, severe situation at the market to which contribute the distributors that prevent the entrance of the new tenderers with its activities. Following the announcement, IZI mobil ceased with the conducting of the activity of the public mobile telephone services providers in November 2016. The remaining users of IZI mobile were taken over by Telekom Srpske in accordance with the obligations from the contract.

The second operator that emerged on the market was Blicnet d.o.o. Banja Luka, which was registered at the Agency in September 2013 as the provider of the mobile services via mobile network BH Telecom and it ceased with providing of these services in August 2020. The third is Logosoft d.o.o. Sarajevo which is registered in July 2014, which is still on the list of the active providers of the public mobile telephone services which it provides via mobile network of Telekom Srpska. Telrad Net was registered in October 2014 for provision via BH Telecom mobile network and the Decision on the deletion from the list of the active providers of the public mobile telecommunication services it obtained in March 2020. Elta-kabel received the Decision on the registration of the providers of the mobile services at the start of 2015 to offer its services via HT Mostar network and it ceased with the provision of the services in July 2020. The Agency issued the Decision on the entry at the list of the active providers of the public mobile telephone services via HT Mostar network to Dasto Semtel operator in October 2017.

In 2020, the company “Novotel d.o.o.”Sarajevo was registered as the new provider of the services which for the provision of the mobile telephone services concluded the contract on the access to the network of the service provider Mobile network “Mtel a.d.” Banja Luka the company: Novotel d.o.o. Sarajevo, was registered into the register of the Municipal Court in Sarajevo, under the Company number of the entity 65-01-0935-18 with the founders of the company: Firm PRO FUTURO d.o.o. (100% founder’s share). Likewise, as the precondition for the initiation of the procedure of registration, the Agency at the end of 2020 issued the approval on the precontract/Contract on the access to the mobile network of service provider PC HT d.d. Mostar number UG-5/20-36 of 30 October 2020, concluded with the company haloo d.o.o. Sarajevo.

3.1.3.3. Development of mobile telephony services

During 2020, BH Telecom performed the improvement of the package Extra S, Extra M and Extra NET, Toptim services and the Biz selection, redesign of the option for the one-time additional purchase of the mobile internet. Additionally, in the offer is introduced a new package with the combined manner of payment “TeenZ” intended to the natural persons up to 18 years of age.

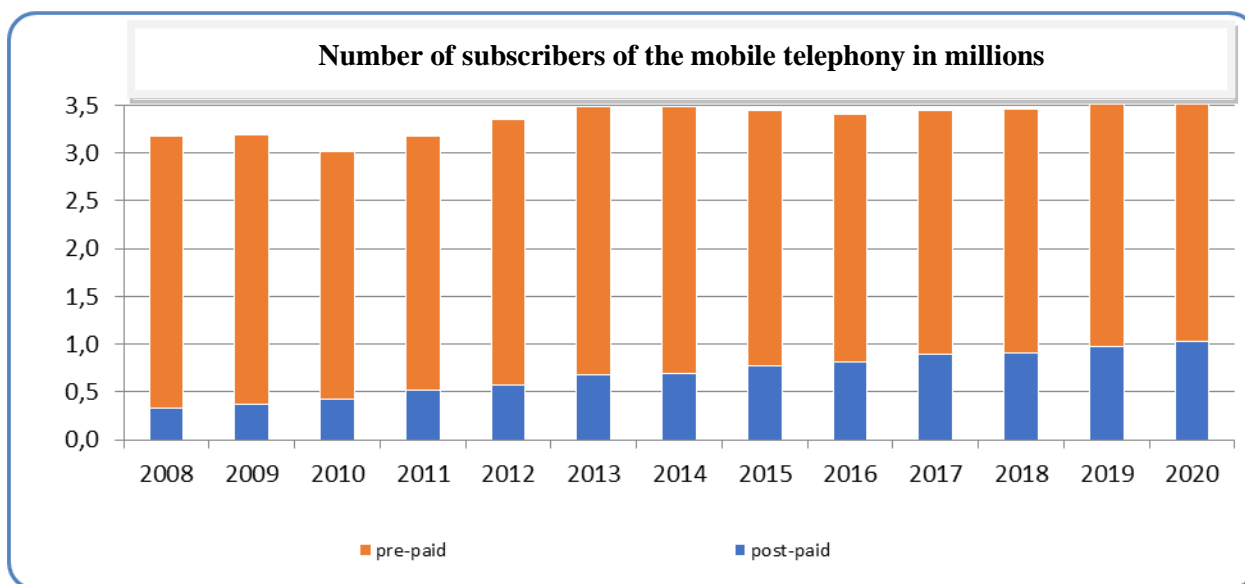
In 2020, Telekom Srpska introduced into the offer the tariff option “Most favourite number” for the service users “Top-up”, tariff models “COMBINE 5” and “COMBINE BIZ 50” with the combined manner of payment and the post-paid tariff models Subscription: KDR” and “Subscription: XS+. Also, certain improvements of the tariff model Subscription: S+ and Subscription: XXL+ was performed.

During 2020, HT performed the improvement of the offer SIMOnly and introduced into the offer new combinations under the name MINI, ZVONI, GIGO, ZUBA and FACA which can activate the users of! hej tarife! hej Slagalica and the new haloo option of the set of packages.

Number of the mobile subscribers on 31 December 2020 was 3,509,674 and it marks the fall in comparison to 2019. This number of subscribers is obtained in accordance with the unique definition of the active prepaid and post-paid subscribers for all SMP operators in the mobile telephony, which is harmonized with the standards of the European Commission and ITU. The number of pre-paid

subscribers is still several times higher in comparison to the number of the post-paid subscribers (Figure 3).

Figure 6 Number of subscribers of mobile telephony (2008-2020)



The level of penetration (number of the mobile subscribers on 100 residents) of the mobile telephony at the end of 2020 was 99.39%.

The diagram on Figure 4 displays the penetration of the mobile telephony in the time series from 2009 to 2020. In 2015, the penetration is calculated on the basis of the assessment of the number of residents, while from 2016 is used the data from the census 2013. (the population in BiH 3,531,159).

Figure 7 The number of subscribers of the mobile telephony on 100 residents (2009-2020)

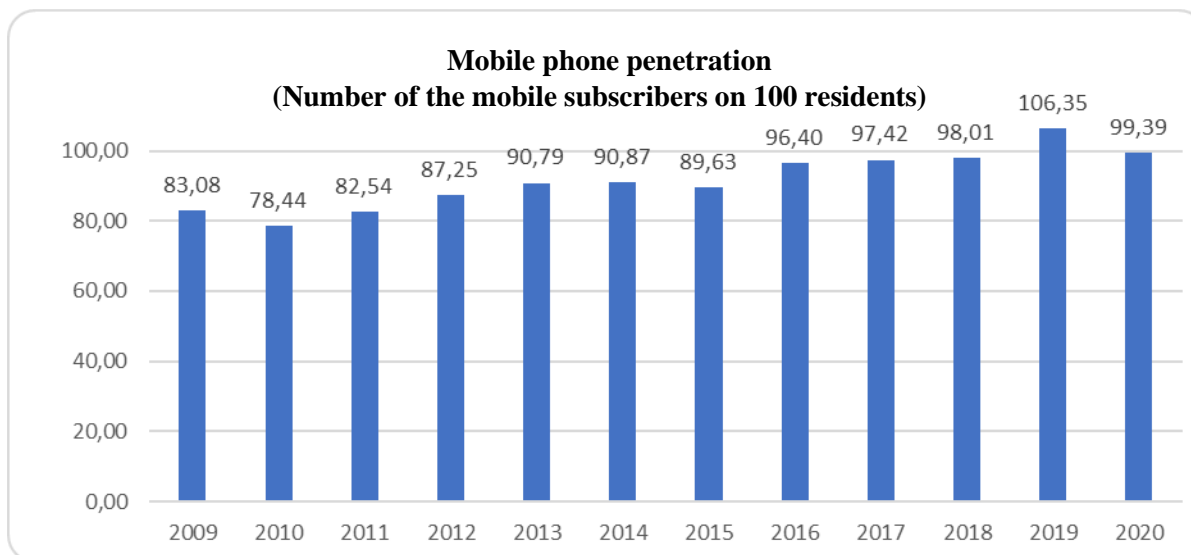


Table 5 Installed capacities and the number of subscribers of the licenced mobile operators (2014 to 2020)

Telekom operator	BH Telecom	Telekom Srpske	HT Mostar	Izi mobil	Blic net	Logo sft	Telrad	Elta Kabel	Dasto Semtel	total
2014	Numbering space	3,000,000	2,200,000	1,650,000						6,850,000
	postpaid	237,359	283,838	175,402		1,753				698,352
	prepaid	1,401,855	1,098,500	284,605	7,876					2,792,836
	Total of subscribers	1,639,214	1,382,338	460,007	7,876	1,753				3,491,188
2015	Numbering space	3,000,000	2,300,000	1,650,000						6,950,000
	postpaid	257,135	322,853	184,806		2,505	717	768		768,784
	prepaid	1,288,608	1,079,849	295,096	11,183					2,674,736
	Total of subscribers	1,545,743	1,402,702	479,902	11,183	2,505	717	768		3,443,520
2016	Numbering space	3,000,000	2,200,000	1,650,000						6,850,000
	postpaid	271,851	345,548	195,706		2,561	1,139	955	925	818,685
	prepaid	1,323,308	958,328	299,647	4,075					2,585,358
	Total of subscribers	1,595,159	1,303,876	495,353	4,075	2,561	1,139	955	925	3,404,043
2017	Numerical space	3,000,000	2,200,000	1,650,000						6,850,000
	postpaid	291,847	391,965	207,179		2,633	1,004	975	1,137	896,740
	prepaid	1,309,615	940,514	293,216						2,543,345
	Total of subscribers	1,601,462	1,332,479	500,395		2,633	1,004	975	1,137	3,440,085
2018	num. space	3,000,000	2,200,000	1,650,000						6,850,000
	postpaid	315,927	379,064	212,638		3,041	919	917	512	2,548,040

	prepaid	1,310,073	942,563	295,404							913,018
	Total of subscribers	1,626,000	1,321,627	508,042		3,041	919	917	512		3,461,058
2019	Num. space	3,000,000	2,200,000	1,650,000							6,850,000
	Total of subsc.	345,383	395,696	224,491		2,263	1,192	129	424		969,578
	prepaid	1,290,640	959,526	535,777							2,785,943
	Total of subsc.	1,636,023	1,355,222	760,268		2,263	1,192	129	424		3,755,521
2020	num. space	3,000,000	2,200,000	1,650,000							6,850,000
	postpaid	384,484	408,846	231,890			1,322			106	1,026,648
	prepaid	1,142,475	857,328	483,223							2,483,026
	Total of subs.	1,526,959	1,266,174	715,113			1,322			106	3,509,674

Telekom operator	BH Telecom	Telekom Srpske	HT Mostar	Izi mobil	Blic net	Log osft	Tel rad	Elta Kabel	Dasto Semtel	BiH
2014	num. space	3,000,000	2,200,000	1,650,000						6,850,000
	postpaid	237,359	283,838	175,402		1,753				698,352
	prepaid	1,401,855	1,098,500	284,605	7,876					2,792,836
	Total of subsc.	1,639,214	1,382,338	460,007	7,876	1,753				3,491,188
2015	num. space	3,000,000	2,300,000	1,650,000						6,950,000
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	prepaid	1,288,608	1,079,849	295,096	11,183					2,674,736
	Total of subsc.	1,545,743	1,402,702	479,902	11,183	2,505	717	768		3,443,520
2016	num. space	3,000,000	2,200,000	1,650,000						6,850,000
	postpaid	271,851	345,548	195,706		2,561	1,139	955	925	818,685
	prepaid	1,323,308	958,328	299,647	4,075					2,585,358
	Total of subsc.	1,595,159	1,303,876	495,353	4,075	2,561	1,139	955	925	3,404,043
2017	num. space	3,000,000	2,200,000	1,650,000						6,850,000
	postpaid	291,847	391,965	207,179		2,633	1,004	975	1,137	896,740
	prepaid	1,309,615	940,514	293,216						2,543,345
	Total of subs.	1,601,462	1,332,479	500,395		2,633	1,004	975	1,137	3,440,085
20	num. space	3,000,000	2,200,000	1,650,000						6,850,000

18	postpaid	315.927	379.064	212.638		3.041	919	917	512		2.548.040
	prepaid	1.310.073	942.563	295.404							913.018
	Total of subs.	1,626,000	1,321,627	508,042		3,041	919	917	512		3,461,058
20	num. space	3,000,000	2,200,000	1,650,000							6,850,000
	postpaid	345,383	395,696	224,491		2,263	1,192	129	424		969,578
	prepaid	1,290,640	959,526	535,777							2,785,943
19	Total of subsc.	1,636,023	1,355,222	760,268		2,263	1,192	129	424		3,755,521
20	num. space	3,000,000	2,200,000	1,650,000							6,850,000
	postpaid	384,484	408,846	231,890			1,322			106	1,026,648
	prepaid	1,142,475	857,328	483,223							2,483,026
20	Total of subs.	1,526,959	1,266,174	715,113			1,322			106	3,509,674

Source: Reports of BH Telecom, Telekom Srpske, HT Mostar, Blicnet, Logosoft, Telrad i ELTA-KABEL

3.1.3.4. Development of UMTS/LTE networks

During 2020, as during the previous years, three mobile operators, BH Telecom, Telekom Srpske and HT Mostar, in accordance with the obligations prescribed by the Licence for the use of the radiofrequency spectrum for providing services via mobile access systems have continued the activities on the development of the broadband mobile networks.

Mobile operators delivered their reports on the development of UMTS/LTE networks and services for the period of 1 July 2020 until 31 December 2020, that is, for the second half of 2020. BH Telecom and Mtel have also delivered the basic data for LTE network, while HT Mostar did not.

- BH Telecom

The total number of the installed UMTS base stations at the end of 2020 of BH Telecom is 923, while it is installed 632 LTE base stations. In comparison to 897 UMTS and 600 LTE base stations at the end of 2019 that represents an increase which means that the network is constantly being upgraded. At the end of 2020, BH Telecom had 1, 480, 139 users of 3G mobile telephony, what represents reduction in comparison to the total number of the users from 1,624,528 at the end of 2019. Under 3G users are included all users that have 3G cell phones, because they have the possibility of using 3G services.

²Covering of the road routes at the end of 2020 is in the amount of 33.2% in UMTS network and 42% in LTE network, what makes the total of the broadband covering of the road routes of 72.2%.

The coverage of the territory of BiH UMTS network at the end of 2020 was 64.17% and LTE network 27.97% what makes broadband coverage of the territory of 64.48%. Coverage of the population of BiH UMTS/LTE network is not given in the report. New services are not introduced in the observed period.

- Telekom Srpske

Total number of the installed 3G base stations of Telekom Srpske at the end of 2019 was 1569.

At the end of 2020, the coverage of the road routes network of Telekom Srpske was 90.56%, while at the start of 2020 that value was 80.36% what represents the rise of 10%.

The coverage of the population with UMTS network on 1 January 2020 was 96.71% which in comparison to 88% at the end of 2019 marks the rise of almost 9%. The capacity utilisation is 74.15% which represents the rise in comparison to 69.63% in the previously observed period. The coverage of the roads of LTE network on 1 January 2021 is 64.37% while on 1 January 2020 the coverage of the roads was 27.48% what represents a big rise of almost 40%.

The coverage of the population of LTE network on 1 January 2021 is 81.07% while on 1 January 2020 it was 43.50% which is also a big rise in comparison to the previous year. The total number of the subscribers of the mobile services of Telekom Srpske is 1,483,074 and is constantly growing, what represents the rise in comparison to 1,392,659 at the end of 2019. The capacity utilisation is 74.15% which represents the rise in comparison to 69.63% which it was at the end of 2019, what represents a logical growth considering the rise of the number of the users.

- HT Mostar

At the end of 2020, HT Mostar realized the coverage of the population of BiH of 92.17% and the coverage of the population at the end of 2019 was 89.10%, which means that it occurred the slight increase in coverage. On 31 December 2020, with UMTS network was covered 2,344 km, what represents 63.9% of the coverage, while on the same day of 2019 was covered 2,163 km of the road routes. That means that the coverage of the roads increased for 5% in the previous year.

On 31 December 2020, the percentage of the coverage of the population with UMTS network was 92.17% in comparison to 89.10% at the end of 2019. The total capacity of the installed 3G base stations was 434,330 on 31 December 2020 and at the end of 2019 it was 414,160. At the end of 2020 HT Mostar had 926 installed 3G base stations, while at the end of 2019 it had 883 base stations.

3.1.4. Public electronic communication networks

The operators of the public electronic communication networks met on 2020 with the significant problems in the development of the new networks. These problems are mostly pronounced by the issue of the construction and network expansion and they relate to the slowness of the local authorities as in the case of the operator Telemach d.o.o. Sarajevo, this operator in the report for 2019 reported problems which have lasted also in the moment of the issuing of the report, therefore in 2020:

² According to corrected data subsequently provided by BH Telecom, broadband coverage of road communications amounted to 75.8%. This coverage represents a combined coverage and is obtained as the sum of LTE coverage and UMTS coverage where LTE signal does not exist. Furthermore, the UMTS signal also covers road communications with LTE signal. Separately, the coverage of the routes of BH Telecom's mobile network at the end of 2020 was 68.65% for the UMTS network and 42.5% for the LTE network. (Entered on June 21, 2021).

Table 6: The overview of the problems reported by the Telemach for 2020

Period duration of the problem	Problem description	Whether and how the problem was fixed
51 months	Istočna Ilidža	Acquired all approvals, the operator was only waiting for the issuing of the licence, but the competent authority did not communicate any longer on the matter.
36 months	Issuing of the urban permit by the municipality Novi Grad for the access to the newly constructed building "Meandar"	It is requested the easement by the Urban planning service of Novi Grad Municipality due to issuing of the building permit.
36 months	Obtainig of the easement as the condition for the building permit for the project "Alipašin Most"	The subject-matter was returned to the competent court in Sarajevo
34 months	Novo Sarajevo - Centar	The operator has to wait the adoption of the regulation plan by the municipality
30 months	Kreševo, broad area – request for the approval for construction	The operator may not obtain the approval of the Directorate for Roads SBK – Busovača, because ED (<i>electricity distribution</i>) does not have the approval for all the poles in the strip of road where it ise spread the operator's network
23 months	Konjic - Ivan Sedlo, legalization of the network build without building approval	The operator waits for the approval of Željeznice FBiH
23 months	Konjic – Ribiči, legalization of the network built without the building approval	It is waiting for the approval of ED (<i>electricity distribution</i>)
15 months	Novi Grad - Aerodromsko naselje, procuring the easement due to obtaing of the building approval	The operator mentions that the subject-matter is waiting for a resolution at the competent municipal court

Period duration of the problem	Problem description	Whether and how the problem was fixed
Several years	The operator mentions that one of the most important problems is the access to the public mobile telephone network. It considers that the importance of the mobile telephony in the business of telecom sector is visible through the dynamic access to market analysis because the mobile service is the future of distribution of all telecom services and the same is not equal available to all operators. It also considers that it supports the fact that the mobile telephony market is closed and „in the hands of the three official operators “(BH Telecom, Telekom Srpske and HT Mostar). Accordingly, the operator considers that there is no liberalization, or that it is allowed the issuing of the new mobile licences to the other operators. Also, it considers that, the operator calls them „official operators “that use cross-subsidization in their fixed service packages by including the free mobile minutes what additionally influences on the equal and fair market competition. It considers that it is only the part of the obstacles created by the unequal access to the public mobile telephone network.	unresolved
Several years	The operator considers that the geographical representation of the access network infrastructure of BH Telecom, Telekom Srpska and HT Mostar indicates the unequal network coverage of the official operators in comparison to the private, what also influences the costs of business which are bigger for private alternative operators. It emphasises that it is still not adopted the regulations for „EU market 4 and 5“that determines the possibility of using the existing infrastructures by the third persons.	unresolved

3.1.5. Internet access service

3.1.5.1. Licence users for conducting of the activities of the Internet access provider

In Table 7 is displayed the number of users of the Licence for conducting the activity of Internet access providers (ISP) in the period from 2011 to 2020.

Table 7: Number of ISP licences in BiH (2011 to 2020)

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Number of ISP operators	80	75	69	70	70	71	70	67	65	60

In 2020, the question of possibility was raised by the Ministry of Internal Affairs of RS of requiring the access to the data on the completed service of web-hosting on the territory of FBiH and regarding the subject-matter that referred to the commission of the criminal act with international aspect. The attitude of the Agency by this inquiry is based on Article 3, point h) of the Law on the electronic legal

and business transactions (Official Gazette of BiH, number 88/07) from which derives that the web-hosting service represents the service of the information society and not a public communication service performed by the provisions of the Law on Communications. As per Article 14, Paragraph (1) of the Law on electronic legal and business transactions for undertaking and providing services to the provider of these services is not necessary any kind of special official licence, consent, approval or concession or satisfaction of the other requests “of the equal legal action” , it is not the service for which the Agency issues the licence or it is by the regulations of the Agency regulated the manner of conducting the service of web-hosting as the service of information society.

The Agency considered that the web-hosting as the special type of internet service represents the trading service “Online sale” from Article 47 of the Law on internal trade of the Federation of BiH (Official Gazette of the Federation of BiH, number 40/2010 and 79/2017) from the reasons why the company that performs this type of service offers the same via means for online communication (Internet). Due to which, Internet Service Provider (ISP) which only secures the Internet access to the Internet for the purpose of connecting of web-servers on which it is performed the hosting with the users, cannot be responsible for the content of the telecommunication as well as preservation of data on web-server.

However, this issue emphasises the need for regulation of all aspects of internet service and not only the provision of Internet access and particularly with the standpoint of the legal interception and enabling the access to the retained data and it would have to be prescribed the conditions for the work of the companies that provide web-hosting service in BiH in order to not become the oasis of the criminal activities in Europe.

The Agency draw attention to the Ministry of Internal Affairs of RS that the Article 2, Paragraph 3) point b) of the Law on Internal Trade of the Federation of BiH (Official Gazette of the Federation of BiH, number 40/2010 and 79/2017) prescribed that the provisions of this law by which is regulated the rights, obligations and sanctions for the trader, also apply accordingly to: b) legal and natural persons registered for conducting the activity of manufacturing and service provision when they sell their products and services on the market and that in Article 25, Paragraph 4) of the Law on Internal Trade of the Federation of BiH is prescribed that the “Retailer is obligated that in each sales facility or in each department of the sales facility as well as at the point of sale outside of the store to hold and keep up-to-date retail sales and purchase ledger with the data on the procurement and sale of goods which is the subject of trade and to ensure the insight into the documentation on the basis of which is kept the records. Accordingly, also the company which sells web-hosting services in BiH regardless of the disorder of the subject area must know to whom it was selling its services.

Due to convergence of the telecommunication services and the desire that all services are provided at the same, package-oriented platform (Internet) and that all increasingly obscure differences between the telecommunication services and the services via telecommunication, in the following period it must be made a clearer distinction between these two notions.

3.1.5.2. Internet access services markets’ development

In Table 8 is given the number of Internet users in the period from 2011 to 2020. The number of users is estimated on the basis of the number of the subscribers delivered by Internet Service Providers (ISP).

Table 8: Number of Internet users in BiH (2011 to 2020)

Year	Number of Internet Users	Index	Year	Number of Internet Users	Index
2011	2,113,100	105.66	2016	2,909,236	104.57
2012	2,174,250	102.89	2017	3,064,072	105.32
2013	2,188,429	100.65	2018	3,195,294	104.28
2014 ³	2,648,176	121.01	2019	3,330,502	104.23

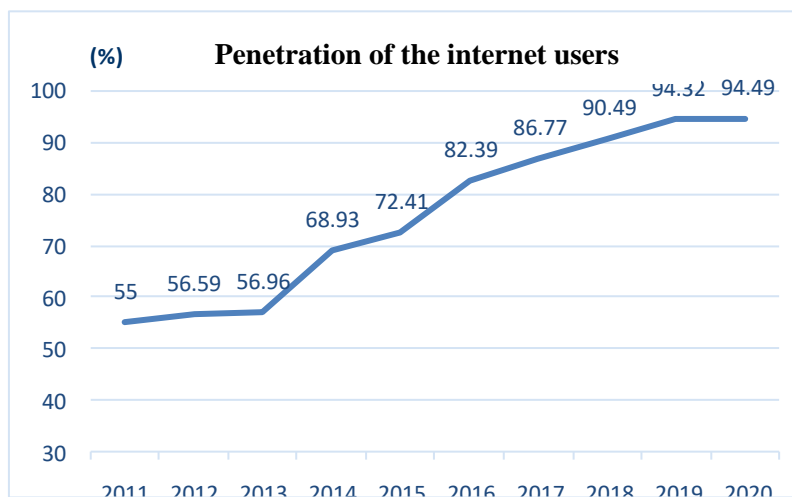
³The number of Internet users for 2014 in the Annual Report for 2014 is different from the number of Internet users for 2014 in this Annual Report. The difference in the number occurred due to corrections of data delivered by the operators after the publishing of the Annual Report for 2014.

2015	2,782,107	105.06
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2020	3,336,591	100.18
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It is marked the insignificant mark of the number of Internet users in 2020 in comparison to 2019 with the growth index of 100.18.

Illustration and penetration of Internet users from



By type of Internet access, in BiH is in use dial-up access (via analogue modem and ISDN) with 351 subscribers and the broadband access (*in English broadband*) with 755, 492 subscribers on 31 December 2020. The penetration of the broadband subscribers in comparison to the datum from the population census in 2013 (the population 3,531,159) is 21.39%. In the structure of the broadband connections is still in the lead ADSL access with 54.51% from the total number of the broadband connections with the increase of the cable and FTTH Internet access in comparison to the previous year and the fall of the user of FWA.

Table 9: Internet subscribers by the types of access for the period from 2011 to 2020

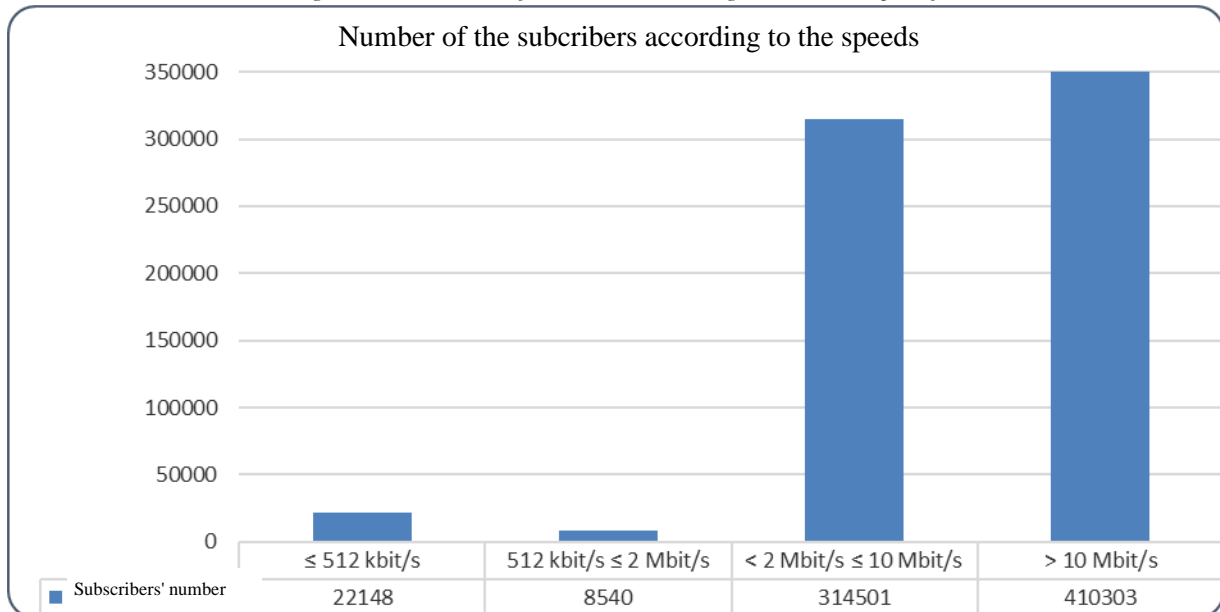
Year	Dial-up	FWA	Cabel	ADSL	Rented lines	FTTH	The rest	Total
2011	85,046	65,733	114,849	248,006	1,374	27 8	10	515,296
2012	84,314	62,621	127,424	277,295	1,389	315	353	553,711
2013	3,219	65,164	153,544	294,505	1,435	297	498	518,662
2014 ⁴	2,304	61,367	181,753	360,772	1,318	374	348	608,236
2015	1,739	59,326	200,972	372,767	1,254	428	240	636,726
2016.	1,447	61,019	213,640	385,316	1,233	960	170	663,775
2017	231	65,335	234,006	398,136	1,144	1,363	363	700,578
2018	319	47,367	244,728	404,795	1,031	17,511	934	716,685
2019	384	60,936	239,551	413,902	980	30,231	287	745,887
2020	351	47,501	249,575	411,850	1,686	44,540	340	755,843

In 2020, it is evident the fall of the number of ADSL subscribers and their number in comparison to the previous year reduced for 0.5% as well as the fall of the fixed wireless connections of 22.05. % while it is marked the growth of the cable Internet access for 4.18% and FTTH for 47.33%.

⁴The number of Internet users for 2014 in the Annual Report for 2014 is different from the number of Internet users for 2014 in this Annual Report. The difference in the number occurred due to corrections of data delivered by the operators after the publishing of the Annual Report for 2014.

When it is about the speed of access, there is the most subscribers of the internet access with the speed bigger of 10 Mbit/s.

Figure 9: The number of subscribers according to the access speed for 2020.



3.1.5.3. Development of the broadband access services

BiH still does not have a developed strategy of the broadband access. Due to this fact, the network development intended for the access to the internet services of high speeds in the fixed, mobile and satellite network is mostly based on the entrepreneurship of the operators itself. Particular problem makes the unequal conditions for the establishment of the new generations' network. From some of the examples of the problems with which are met the operators during the construction of their networks and which are mentioned in this report, it can be seen that there is no conscious on the importance of the broadband access for the entire society and economy. Difficulty in obtaining of the consent for the construction of the telecommunication networks, unequal standards of construction and design, inability of sharing the infrastructure, capacities and the insufficiency of any kind of reliefs significantly slow down the replacement of the outdated and the establishment of the new high-speed networks.

Special factor also represents the exceptionally fast establishment of the 5G network which in certain moment will represent a serious competition of the ground-based services and particularly because such network does not have geographical obstacles for the availability of the service. In this moment there are already inquiries of the international operators of the satellite 5G network on the possibilities of providing services at the area of BiH. On this issue there are no serious studies or that it is known what kind of influence will the orbital 5G network have on the economic business of the operators in BiH. It can be assumed that the first effects will be observed on M2M services, smart vehicles and the communication with the emergency services and definitely also on the Internet access and therefore on all services available on it, including the voice services, data transfer and multimedia content. From the above mentioned, it can be seen that the need of the strategic determination according to the broadband services is current and that the Agency cannot give answers by itself on this kind of issues.

3.1.6. Numbering

The regulatory framework for the numerical capacities used for telephone services in BiH is determined by the Rule 38/2008, the Plan of numbers for telephone services in BiH (Official Gazette of BiH, number: 105/08, 95/11, 76/16 and 81/19) and the Rule 39/2008 Management of the plan of numbers for telephone services in BiH (Official Gazette of BiH”, number: 105/08, 95/11, 47/12 and 76/16).

3.1.6.1. Licencing of the numbering

In the period from 1 January to 31 December 2020 are conducted operations related for management, use and monitoring of the application of the telephone numbers and signalization codes in BiH and the service of transferability of the telephone numbers, namely:

- It is issued 154 different administrative acts by the requests of the legal entities for the award of blocks of telephone numbers, individual telephone numbers and signalization codes in the procedures that relate on issuing, abolishment and extensions of the licences and subject-matters concerning the use of the mentioned numerical capacities.
- Legal entities related for the use of the numerical capacities it is issued 76 acts that relate on monitoring and application of the awarded numerical capacities and services of transferability of the telephone numbers.

3.1.6.2. Transferability of the telephone numbers

Regulatory framework for the service of transferability of the telephone numbers in BiH is determined with the Rule 62/2012 on the transferability of the telephone numbers (Official Gazette of BiH, number: 47/12, 39/13 and 94/15).

According to the data obtained from the Administrator of the Central Administrative Database of the transferred numbers (Administrator of CADB) in the period from 1 January to 31 December 2020, the total number of the transferred telephone numbers in the telephone network of BiH was 19,147, namely:

- In fixed telephone network 5178 which is 20.72% less in comparison to 2019,
- In mobile telephone network 13104, which is for 3.87% more in comparison to 2019

The total number of the transferred telephone numbers from the establishment of the service of transferability of the telephone numbers up to 31 December 2020 is:

- In fixed telephone network 93,499,
- In mobile telephone network 90,744.

Percentage of the transferred telephone numbers in comparison to the total number of users of the telephone services by the telephone networks in BiH is:

- In fixed telephone network 13.24% which is for 1.10% more in comparison to 2019,
- In the mobile telephone network 2.58% which is 0.51% more in comparison to 2019

For the purpose of harmonizing of the compensations which the operators pay to Administrator of CADB for the use of services of the base of transferable numbers with the quantity of services which the operators obtain the new model of payment is put in the application according to which the fees are calculated proportionally to the number of transferred numbers into the network of each operator, unlike the model which was in application and it was based on the coefficients regarding the status of the operator at the market of the telephone services.

3.1.7. Interconnection

During 2020, the Agency continued its regular activities in the area of interconnection that relate on monitoring of the state of interconnection relations, mediation of disputes between the operators and reporting by the various issues from this area.

All operators that operate on the market do not have the obligation of drafting of RIP documents, but only those to whom that obligation was awarded on the basis of relevant markets' analysis results.

Reference interconnection offers for connecting to the fixed network currently have the following ten

operators: Blicnet d.o.o. Banja Luka (Blicnet), Elta-Kabel d.o.o. Doboj (Elta-Kabel), EuroproNET Bosnia d.o.o. Sarajevo (Europronet), Logosoft d.o.o. Sarajevo (Sarajevo), M&H Company d.o.o. Sarajevo (M&H Company), Telemach d.o.o. Sarajevo (Telemach), Telrad Net d.o.o. Bijeljina (Telrad Net), BH Telecom d.d. Sarajevo (BH Telecom), PC Hrvatske telekomunikacije d.d. Mostar (HT Mostar) and Mtel a.d. Banja Luka (Mtel).

The area of interconnection is constantly improving, as with the amendments of the wholesale prices of the individual interconnection services and also with all other details of RIP documents. During 2020 the process of inclusion of IP interconnection into RIP documents of all 10 operators was completed, what is the consequence of the transition process of operators' networks with the classical PSTN technology to the new generation networks.

An overview follows of the interconnection contracts concluded on the basis of RIP documents of BH Telecom, HT Mostar and Mtel, RIP documents of the alternative operators and RIP mob documents of BH Telecom, HT Mostar and Mtel.

Table 10: List of interconnection contracts

Traditional operator	Alternative operator	Total number of contracts
BH Telecom	Akt.online d.o.o. Sarajevo Blicnet d.o.o. Banja Luka Elta-Kabel d.o.o. Doboj EuroproNET Bosnia d.o.o. Sarajevo Logosoft d.o.o. Sarajevo „M&H“ Company d.o.o. Sarajevo Softnet d.o.o. Sarajevo Teledigital d.o.o. Sarajevo Telemach d.o.o. Sarajevo Telrad Net d.o.o. Bijeljina	10
Telekom Srpske	Akt.online d.o.o. Sarajevo Blicnet d.o.o. Banja Luka Elta-Kabel d.o.o. Doboj EuroproNET Bosnia d.o.o. Sarajevo Logosoft d.o.o. Sarajevo Teledigital d.o.o. Sarajevo Telemach d.o.o. Sarajevo Telrad Net d.o.o. Bijeljina	8
HT Mostar	Akt.online d.o.o. Sarajevo Blicnet d.o.o. Banja Luka Elta-Kabel d.o.o. Doboj EuroproNET Bosnia d.o.o. Sarajevo Logosoft d.o.o. Sarajevo Telemach d.o.o. Sarajevo	6
Interconnection contracts concluded on the basis of RIP documents of the alternative operators		
Alternative operator	Traditional operator	Total number of contracts
Telrad Net	Telekom Srpske BH Telecom	2
Blicnet	Telekom Srpske	1
Interconnection contracts concluded on the basis of RIPmob documents of the traditional operators		
Traditional operator	Alternative operator	Total number of contracts
BH Telecom	Telemach	1
Telekom Srpske	Blicnet	1

3.1.8. Markets' analysis

Legal framework for the market analysis of the electronic communications in BiH represent: Law on communications of BiH (Official Gazette of BiH, number: 31/03, 75/06, 32/10 and 98/12), the Decision on the policies of the electronic communication sector of BiH for the period from 2017 to 2021 (Official Gazette of BiH, number: 46 of 23 June 2017), and the Rule 54/2011 on the market analysis of the electronic communications (Official Gazette of BiH, number: 85/11). In accordance with the legal framework, the Agency implements the relevant markets' analyses that are subject to the previous (*ex ante*) regulation and on the basis of that it issues the corresponding decisions and measures.

During 2020 are implemented the first two phases of the project Electronic communication market analysis according to the EU methodology, which is implemented in cooperation with the consultancy house Vafer. The main goal of the project of electronic communication market analysis according to the EU methodology (Project) is implementing the relevant market analysis which are not analysed until now and which are confirmed by the Rule 54/2011:

- Market access to the public telephone network on the fixed location for the natural and legal entities – retail level;
- Market of calls that that derive from the public telephone network (generation of calls) and which are provided on the fixed location – wholesale level;
- Market of access to the network infrastructure at the level of wholesale (including the joint or completely unbundled access on the determined location) – wholesale level;
- Market of the broadband access – wholesale level;
- Terminal or conclusion segments of the rented lines, regardless on the technology used to ensure the leased or assigned capacity – wholesale level.

In addition to the analysis of the mentioned relevant markets, which are on the List, by the Project is also anticipated the performance of three relevant markets analyses which are established by the Rule 54/2011, for which it is first necessary to implement the test of three criteria:

- The market of the distribution of the audiovisual media services and radio media services – retail level;
- Market of broadband Internet access
- Wholesale market of access and starting (origination) of the call in the public mobile telephone networks.

As part of the first phase of the project, in December 2019, it is finalized the questionnaire and glossary with the instruction for the completion for all eight relevant markets, which are delivered to the operators for completion. The Agency as part of the second phase of the project in January and February 2020 gathered and verified the data of 64 operators. Verified data are submitted to Vafer which processed them and delivered to the Agency the proposals of the analysis for the five markets (LLU, bitstream, conclusion segments of the rented lines – wholesale, broadband internet access, distribution of the audiovisual media services and radio media services - retail). On 10 June 2020, the Agency published public consultations for five markets in the duration of 45 days. At the request of the operators, the Agency extended the deadline for the mentioned five markets of additional 45 days, until 7 September 2020.

At the beginning of August 2020, Vafer and the Agency harmonized the proposals of the analysis/Three criteria of the test for the remaining three markets (Market of access and the origination of the calls from the mobile public communication networks; the market of access to the public telephone network at the fixed location for natural and legal entities – retail level; Market of calls that derive from the public telephone network/generation of calls/ and which are extended on the fixed location – wholesale level). At the request of the operator, the Agency extended the public consultations for three markets until 18 December 2020. The processing of the commentary and issuing of the final market analysis will follow in the first half of 2021.

3.1.9. Retail price regulation

3.1.9.1. Implementation of the Agreement on Roaming

As part of the continuance of the activities on the application of the Agreement on the reduction of the prices of roaming services in the region of the Western Balkans (WB6: Serbia, BiH, Montenegro, North Macedonia, Albania, Kosovo) was implemented the second phase of the price reduction in conclusion with 1 July 2020.

From 20 June 2019, on the basis of the decision on the prices of roaming services in the public mobile communication networks, the Agency in accordance with the Agreement has given the approval to the operators to keep the existing model of the unique domestic retail price of roaming services on which are added fees for the roaming from the Decision, until the application of rules of RLAH “Roam – Like -At-Home” which is anticipated for 30 June 2021. As part of the harmonization, it is agreed the additional significant reduction of the prices of services of data transfer in roaming in the region WB6, although with that harmonized reduction, the prices of data transfer services collected by the operators from BiH are significantly higher in comparison to the operators from the countries of the region of WB4 (WB4: Serbia, BiH, Montenegro, North Macedonia).

In the period from 1 July 2020 until 30 June 2021, the mobile operators apply the following average retail prices of roaming services (without VAT):

- Outgoing calls: 0.27 BAM/min BH Telecom, Telekom Srpske and HT Eronet;
- Incoming calls: 0.05. BAM/min BH Telecom; 0.05 BAM/min Telekom Srpske and 0.08 BAM/min HT Eronet;
- SMS 0.10 BAM/SMS BH Telecom, 0.11 BAM/SMS Telekom Srpske, 0.11BAM/SMS HT Eronet.

Average retail unit price for mobile internet service for all users in the period from 1 July to 30 June 2021 is 0.11 BAM/MB (unit price 0.08 BAM/MB, plus additional fee 0.0293 BAM/MB).

The Agency during 2020 initiated the activities on the implementation of Articles 5 and 6 of the Agreement by which is defined obligation of issuing of the acts necessary for the application of rules “proper use policies “and the conditions of the transparency. For that purpose, the Draft of the rules on the application of the policies of appropriate use and the assessment of sustainability of abolishing of the additional fees for regulated retail roaming services and the Draft of the decision on the prices of roaming services in the public mobile communication networks in the region of Western Balkans are created, whose adoption was planned for the first quarter of 2021. Since 1 July 2020 until 30 June 2021, the operators are obligated to apply domestic retail prices. The operators will in the period from 1 July 2019 until 30 June 2020 apply the following average retail prices:

Table 11 Average retail prices in the domestic network without VAT

Average retail prices in the domestic network (VAT is not included)			
	BH Telecom	Telekom Srpske	HT Mostar
Outgoing calls	0.17 KM/min	0.17 KM/min	0.17 KM/min
SMS	0.07 KM/poruka	0.07 KM/poruka	0.06 KM/message
Mobile Internet	0.22 KM/MB	0.22 KM/MB	0.22 KM/MB

Also, the Decision is defined that from 1 July 2019 to 30 June 2021, mobile operators can charge additional fees on domestic retail prices for the regulated services in roaming.

The sum of domestic retail price and the maximum additional fee for the regulated services in roaming which will apply in the period from 1 July 2019 to 30 June 2020 is:

Table 12 Retail prices with the additional fee which will be applied in the period from 1 July 2019 to 30 June 2020 without VAT

Retail prices with the additional fee which will apply in the period from 1 July 2019 until 30 June 2020 (VAT not included)			
	BH Telecom	Telekom Srpske	HT Mostar
Outgoing calls	0.27 KM/min	0.27 KM/min	0.27 KM/min
SMS	0.11 KM/poruka	0.11 KM/poruka	0.10 KM/message
Mobile internet	0.27 KM/MB	0.27 KM/MB	0.27 KM/MB

The prices of the outgoing calls when the postpaid and prepaid user from BiH is located in the countries' signatories of the Agreement.

The prices of the outgoing calls toward BiH for postpaid and prepaid users from BiH when they are located in Serbia, Montenegro and Macedonia will be reduced from 25% to 27%. The price of the outgoing calls toward BiH for postpaid and prepaid users from BiH when they are located in Albania and Kosovo will be reduced from 85% to 92%.

The prices of the incoming calls when the postpaid and prepaid user from BiH is located in the countries' signatories of the Agreement.

The prices of the incoming calls for postpaid and prepaid users from BiH when they are located in Serbia, Montenegro and Macedonia will be reduced from 13% to 20%. The price of the incoming calls for postpaid and prepaid users from BiH which are located in Albania and Kosovo will be reduced from 87% to 97%.

The prices of SMS messages when the postpaid and prepaid user from BiH is located in the countries' signatories of the Agreement.

The price for the send SMS message for postpaid and prepaid users from BiH when they are located in Serbia, Montenegro and Macedonia will be reduced from 6% to 17%. The price for the sent SMS message for postpaid and prepaid users from BiH when they are located in Albania and Kosovo will be reduced from 71% to 88%.

The price of data transfer when the postpaid and prepaid users from BiH are located in the countries' signatories of the Agreement.

The price of 1 MB of data transfer for postpaid and prepaid users from BiH when they are located in Serbia, Montenegro and Macedonia will be reduced from 27% to 31%. The price for 1 MB of data transfer for postpaid and prepaid users from BiH when they are located in Albania and Kosovo will be reduced from 94% to 99%.

3.1.10. Accounting separation and cost accounting

In the framework of the continuance of the activities on the Project of creation and implementation of the methodology of the accounting separation and cost accounting, The Council of the Agency at the assembly held on 21 February 2020 reviewed and established the draft of rules on the adoption of Methodology of the accounting separation and cost accounting and the same referred into procedure of the public consultations which lasted until 24 March 2020. In the procedure of the Public consultations, on the Draft of the rules, the commentaries were delivered by the operators as well as the line entity ministries. The Agency prepared the answers on the arrived commentaries and delivered it to the operators. Likewise, during 2020, working meeting were held on which it were reviewed disputed issues. The holding of the working meetings is in the plan also during the first half of 2021.

With the Ruling of the Court of BiH number: S1 3 U 031238 19 U2 of 9 July 2019 in the administrative dispute of the plaintiff Telekomunikacije Republike Srpske a.d. Banja Luka (MTel) it is abolished the Rule 88/18 on the separate accounting and the Agency could not continue with the activities on the implementation of the Rule 88/18 on the separate accounting and Grant Thornton could not fulfil all its obligations from the second phase of the Contract (implementation of Rule 88/18 on the separate accounting).

At the start of March 2020, due to the mentioned reasons, the Agency submitted to Grant Thornton the proposal for payment of 33% of the value of the second phase of the Contract. Grant Thornton did not accept the proposal of the Agency and on 18 March submitted the lawsuit against the Agency in which it requests the payoff of 100% of the value of the second phase of the Contract on which the Agency responded on 1 April 2020. On 9 December 2020 was scheduled the sitting for the main hearing before the Court of BiH which was postponed for 2021.

3.1.11. End users' protection

The Agency noticed earlier that on the market is a special offer of services which at the establishing of the contractual relation could lead to different treatment of the users of the same type of services, because the users were offered benefits which were disproportionate to the real costs of providing of such services. Considering that there were no objections of the users on that issue, as well as of the other operators, special activities were not undertaken.

At the start of 2020, the Agency started to obtain information on the fact that particular operators do not give the same benefits to all users in comparison to those which they publicly offered with its special offers. After the Agency has turned to the Cantonal Administration for Inspection Affairs of Sarajevo Canton on that occasion the petition from 16 March 2020 was delivered to the further action, submitted by B.M. from Sarajevo in the capacity of the user of the services of the company Telemach d.o.o. Sarajevo and formal conditions were created for acting of the Agency on this issue.

Different treatment of users is consisted in the fact that the mentioned operator has given to the new users several times higher benefits in comparison to the existing users to whom the contracted period of mandatory use of services was expired and who had a complete discretion to ask for the contract renewal according to the applicable offer. Such offers are, for example, the offering of the conclusion of the contract with the contractual mandatory period of two years, with the offered benefit of using the service in the start period of six months with the fee of 1 BAM per month and after that with the payment of the full price of the service. In practice existed similar offers of the other operators, for example, the payments of the certain cash amount on the account of the user and similar.

The Agency took a stand that this kind of behaviour of the operators is based on "offers which are impossible to refuse" and not on the healthy competition and that it causes an extremely negative market effect, first of all the effect of "suction" of the subscribers of the other operators. Such withdrawal was not performed on the basis of the better quality of network and services, but the user was primarily withdrawn by the short-term financial effect which was initially realized by the conclusion of the contract for two years. The user that accepts such offer is trapped by contractual provisions which is in rule, the period of the obligatory use of services of two years and as in that period regularly occurs the increase of the price of the contractual services and also to the amendment of the content of the offer, the initial benefit realised by the user in time is annulled to the damage of the user.

The Agency is also of the stand that the operators with such model of business may not cover the objective cost of business which they have by the providing of the service (*construction and maintenance of the network, investments, work of the company, procuring of the copyright and similar*) and which for the new user exceed by far the amount of BAM 1 per month. Due to which the question was raised from which incomes the operator finances its business in the period of 6 months of the given benefits and that there is a reasonable doubt that the operator subsidises such expanses on the burden of the existing operators. That could also be the reason why the operators avoid to give the same benefits to the existing users in comparison to, how they called them "the new" users.

In order to systematically respond to this phenomenon, the Agency turned to all operators by its act from 13 April 2020 by which it warned on the unfair practice (discrimination) conducted towards the users by the before mentioned basis. To the operators are clearly made known that the users, who completed the contractual obligation of using of the services in the certain deadline have the right to re-conclude the contract with the operator according to the situation of its current offer. Also, it is emphasised that the different treatment of the existing users in comparison to those who are just becoming users represents discrimination among them.

The Agency has taken this into account when the same problem occurred in Croatia and on that occasion the competent ministry of RC reacted, by stating the following stance in public: *“The Ministry of Economy, Entrepreneurship and Crafts points out considering that the trader may offer services by the lower price in the period of two years, such services the trader should offer to all of its users and not only to the new ones. It is about the telephone, internet and TV services operators which they pack in various packages and offer them to the users”*.

On the same occasion, the Institution of Ombudsman for the Consumer Protection in BiH addressed with its Recommendations in the telecommunication sector of 28 April 2020 by which it obligated the operators on the termination of the discriminatory practice towards the existing users.

According to the reports of the users which were submitted in the meantime, all operators did not respect the attitude of the Agency and the recommendations of the Institution of Ombudsman for Consumer’s Protection in BiH, of 28 April 2020. Regarding the further resolution of this problem, the Agency considers that the Institution of Ombudsman for Consumer Protection of BiH should issue a more severe measures, due to disrespect of its references and in the manner which is stipulated by Article 103 of the Law on Consumer Protection.

The Agency maintains its attitude that this kind of relationship towards the users degrades the contractual relationship, as well as the relationship of the equal sides and reduces the subscribers relationship to the level of the membership of the users at the operator, which, in contrary to the Law on Contractual relations, the Law on Consumer Protection and the Law on Communications does not have full freedom of will and the right during the conclusion of the new contracts with the operator after it has finished its obligations.

Therefore, the completion of the started activities on the removal of discrimination among the users, with the planned amendment of the Rule 69/2013 on the conditions of providing the public telecommunication services and relations with the end users (Official Gazette of BiH, number 28/13) would be a priority action of the Agency regarding the protection of users in 2021.

3.1.12. Introduction of the new services

- MUX C

During 2020, there was no establishment of the digital terrestrial television via MUX C operator. Reasons for this are of the objective nature, due to COVID-19 pandemic occur the disturbance in the chain of equipment procurement. At the request of the MUX C operator, the company of Multiplex Service BiH d.o.o. Sarajevo, the extension of the deadline for obligations’ implementation is approved.

EUROPEAN AVIATION NETWORK (EAN)

Although, at the end of 2019 (24 December 2019) it was issued to the company “INMARSAT BH” d.o.o. SARAJEVO the Licence for conducting of the activity of the public electronic communication network operators for the need of the establishment of the terrestrial component (CGC) of the electronic communication network in the frequency range 2GHz MSS as the part of the “European Aviation network (EAN)”, the realization of this licence did not occur during 2020. The reason for this could be found in the fact that the Joint Board of Director for legal interception and the manner of conducting the activity (JBD) was not in the function, due to the expiry of the mandate of the members of this body. JBD is the only competent to establish if the individual operator of the telecommunication fulfils the obligations prescribed for the purpose of enabling of the legal telecommunication interception.

The service of “European Aviation Network” (EAN) does not have practical meaning for providing services to the users in BiH, considering that the same is exclusively intended to the passengers on the planes that fly in the BiH airspace. The service enables to the passengers who use Internet service on the plane that the service is faster and better for the time of flight over the area where it is established also the terrestrial network component. EAN network is primarily based on the satellite signal transfer of the Internet.

The service is given on the special frequency range of 2GHz MSS. By the “Decision of the European Parliament and the Council, number 626/2008/EC of 30 June 2008 on the selection and authorization of the system for provision of the mobile satellite services (MSS) and the Decision of the European Commission (2009/449/EC) on the selection of the operators of the Pan-European system for provision of the mobile satellite service (MSS)”, for its provider was appointed INMARSAT VENTURES LIMITED (as one of the two operators in Europe). This international company has turned to the Agency through its firm in BiH: “INMARSAT BH” d.o.o. Sarajevo.

Due to inaction of the JBD, the licence user has delivered to the Agency the urgency, after which the Agency notified the Council of Ministers of BiH, as the issuer of the regulations by which is regulated the question of the legal interception of telecommunications.

3.1.13. Monitoring of the networks and services

As part of the implementation of the system for measurement of the quality of the broadband Internet access, the Agency has established CRA’s NetTest application through which the end users perform measurements and testing of their internet connection whether it is about the fixed or wireless access. CRA’s NetTest is an open-source application which represents a free tool by which the end users may test the speed and the service quality of the broadband Internet access. Besides the usual speed indicators: ping, download and upload, the application on the basis of more than 150 adjustable measurement parameters performs more than 70 unique tests, mapping results and comprehensively assesses the service quality and the satisfaction by the Internet access service. CRA’s NetTest application also provides information on the other parameters like: information on provider, device, speed parameters, test specification and others. All results of testing and measurements are provided to the user in the adapted and detailed graphic and statistical displays.

With CRA’s Net Test as the integral part of the system of quality and speed measurement of the broadband Internet access, are also procured ANT Box devices which are connected on the fixed location at the end users and in this manner give the possibility of measurement, testing and monitoring of the results in the real time.

On 7 July 2020, the Agency has officially published on the web-page CRA’s RAK NetTest application with the accompanying press release. As the conditions of use on the web-page are not completely in accordance with the defined functions of CRA’s NetTest application, additional reviews and analysis are performed after which are ordered amendments. In the first phase, it is performed the amendment of the description of the conditions of use of CRA’s NetTest, which is officially closed on 30 September 2020 with the official notification on the web-page of the Agency. In the second phase, it is necessary to perform modifications of the content in the heading of the menu Help and Terms and Conditions and the amendments of the individual parameters and displays of the results of the measurements in CRA’s Net Test application. The Agency prepared the specification of the necessary modifications whose realization will be performed in the first quarter of 2021.

Independently from the mentioned changes, CRA’s NetTest is operative and in the function the entire time and the end users were not denied in performing of their measurements and testing.

In the continuation is given the tabular display of the number of the performed measurements by the end users for the period from 7 July 2020 until 31 December 2020. The data are particularly processed for 2G, 3G, 4G, WLAN and LAN technology.

Table 13: The display of the measurements of CRA’s NetTest for July to December 2020.

MEASUREMENTS OF THE END USERS ACCORDING								
MEAS. BY TECHNOLOGY		JULY	AUG.	SEP.	OCT.	NOV.	DEC.	TOTAL
	2G	5	3	0	1	0	3	12
	3G	95	48	19	14	10	142	328
	4G	167	71	49	28	36	415	766
	WLAN	921	387	348	242	214	692	2804
	LAN	843	211	184	230	122	216	1806
TOTAL	2031	720	600	515	382	1468	5716	

3.1.14. Emergency measures regarding the COVID- 19 pandemic

After the declaration of the state of emergency in BiH regarding the COVID-19 pandemic, the Agency summoned the operators of the public telecommunication networks and services to provide full support to all institutions of BiH, the Federation of BiH, the Republic of Srpska and Brčko District of BiH regarding the emergency notification of the users via all available channels of advertising (SMS, e-mail, systematically generated messages and similar) and to act and cooperate together regarding technical support, removal of disturbances and sharing of the capacity in the case of need as well as to maintain the existing level of service quality with ensuring of the priority in traffic flow upon the request of the competent authorities.

The operators are issued recommendations not to change the general and special business conditions as well as the prices of its services except in the case of giving the benefits to the users without the additional collection or the burden to the users. Having in mind the difficult working conditions to the licence holders, the Agency has enabled the extension of the deadline for delivering of the responses and data according to the previously submitted orders. The operators, in the period which continued, have regularly notified the Agency on the benefits offered to the users in the pandemic conditions and on the suspension of modifications of the pricelist and business conditions during the state of emergency.

The Agency asked the operators to provide a complete support to the institutions for the establishment of the efficient telephone numbers and to timely respond to the requests of the institutions for connection of the new telephone lines and to provide full technical support and council to the competent institutions for selection of the most efficient solution for improvement of the functionality of calling the emergency telephone lines from all fixed and mobile telephone networks in BiH. Considering that the persons with disabilities did not have an equal possibility of communication during the pandemic, the competent institutions were asked to enable access to the emergency services via mobile telephone lines which will enable textual communication for deaf and hard of hearing persons and for the needs of the blind persons that the information on the contact telephone numbers for emergency situations were not only displayed on the screen but also read during TV programme.

During the state of emergency, in BiH, as well in the world, it ensued an enormous increase of Internet traffic. Regarding the same, the Agency has announced a public appeal to the users for rational use of services: *“Having in mind that the video content are services that particularly burden the Internet capacities, the Agency appeals on its rational use. For example, online classes may be performed also with textual messages and exchange of documents and it is desirable to avoid conducting of the videoconferences among several participants during online classes. In addition, teaching of the teacher can be limited to ten to fifteen minutes because in the contrary the Internet resources are wasted without necessity and they are necessary also for the other users. In the crisis, the minors are particularly vulnerable target group. They see this situation as the chance to use the benefits of the digital world until the final limits. Therefore, it is necessary to limit the time which is spent by using Internet outside the classes and particularly video reviews”*.

During 2020, the Agency received reports on the insufficient availability of the services, by which is seen that despite the increased needs, telecommunication capacities in BiH can satisfy this crisis.

3.1.15. Cooperation with international institutions

During 2020, the Agency continued the active participation in the work of the European Mediterranean Regulators Group – EMERG in the function of the vice-chairman and the membership in the constant Secretariat of this organization. Due to circumstances caused by virus COVID-19 pandemic, the work of the platform was organized online. During 2020, the Agency with the European Commission participated on several meetings regarding the future status of European Mediterranean Regulators Group (EMERG) and the development strategy of the electronic communication sector in the Mediterranean also including the member countries of the European Union. The basic goals of EMERG are approaching of the member countries to the regulatory framework of the European Union, the exchange of the regulatory experiences and information and the monitoring of market development and trends of electronic communication sector of European Mediterranean region. Besides, the experts of the Agency have attended online workshops on the topic of the strategy of the broadband Internet access, neutrality of networks and international roaming.

3.2. BROADCASTING AREA

3.2.1. Audiovisual media services and radio media services

3.2.1.1. Licence users for television and radio broadcasting performed by the terrestrial radiobroadcasting

On the basis of the results of the conducted Public call for the award of the available frequency resources for radio broadcasting performed via terrestrial radiobroadcasting in VHF range 87.5 – 108 MHz, the Agency issued seven new general licences for radio broadcasting performed via terrestrial radiobroadcasting: “KANAL 6” d.o.o. Travnik – Narodni radio, Nezavisni radio “TNT” Travnik d.o.o. -Radio TNT 2, TELEVIZIJA “K3” Limited liability company, Prnjavor – “Radio K3”, “Radio NJOY” d.o.o. Bijeljina – Radio NJOY, Public company “Gradski radio” d.o.o. – “IS Radio”, Public institution Cultural Centre Vlasenica – “Radio Vlasenica” and ALFASTIL d.o.o. -RADIO ARENA.

By the Public call for competition on the award of the available frequency resources for radiobroadcasting conducted via terrestrial radio broadcasting in VHF range 87.5 to 108 MHz (lists: LRF-R/1/16 and LRF -BHR-2-2/16) published on 17 June 2017 on 5 May 2020 was denied the application of “ELTA MEDIA GROUP” d.o.o. Banja Luka, submitted to the Agency on 16 August 2017 on the concerned Public call of 17 June 2017 for the award of the two frequent resources from the list LRF-BHR-2-2/16 for the emission locations Kozara and Trebević with the planned intention for the new programme as well as the application submitted to the Agency on 16 August 2017 on the concerned Public call published on 17 June 2017 for the award of two frequency resources from the list LRF-R-1/16 from the emission locations: City of Bihać, Doboj, City of Mostar, Prijedor, Sarajevo, City of Sarajevo, Trebinje, Zenica, Krupa na Vrbasu and Kotor Varoš with the planned intention for the new programme, due to non-compliance of the economic criteria. ELTA MEDIA GROUP d.o.o. Banja Luka has filed a complaint on the Decision UP1: 05-29-1-528/20 and UP1: 05-29-1-529/20 of 5 May 2020 by which the applications are denied. The Council of the Agency denied as unfounded, the complaints of ELTA MEDIA GROUP d.o.o. Banja Luka against first instance Decisions of the Agency UP1:05-29-1-528/20 and UP1:05-29-1-529/20 of 5 May 2020.

In April 2020, the Agency issued SYSTEM LICENCE consisted of: Licence for Public Radio Television Service of BiH (BHRT), Licence for Radiotelevision of the Federation of BiH (RTV FBiH) and Licence for the Radiotelevision of the Republic of Srpska (RTRS) with the validity period of five (5) years, starting from 26 April 2020. Besides the mentioned, it is issued the approval for the additional programme service of the Radio and Television of the Republic of Srpska for RTRS Plus programme.

During 2020, there were no requests for the analysis of the programme part for the users of Licence for the television broadcasting conducted via terrestrial broadcasting and for the users of the Licence for radio broadcasting performed by via terrestrial radio diffusion.

3.2.1.2. Users of the licence for television and radio broadcasting via other electronic communication networks

In accordance with the Rule 77/2015 on provision of the audiovisual media services and during 2020 was performed the analysis and was given a professional assessment for 14 requests for the programme part of the users of the Licences for television broadcasting via other electronic communication networks. In the mentioned period there were no requests for the processing of the programme part for users of the Licences for radio broadcasting via other electronic communication network.

3.2.1.3. Consent for provision of the audiovisual media services upon the request

In accordance with the Rule 77/2015 on provision of the audiovisual media services during 2020, two consents were issued for the provision of the audio and visual media service upon the request (VoD): RTV “BN” d.o.o. Bijeljina - BNTV Videolibrary and PC Radio and Television of the Republic of Srpska – RTRS. Furthermore, it ceased to be valid the consent for provision of the audio and visual media services upon the request (VoD) for PRVI.TV d.o.o. – PRVI.TV. In addition to the mentioned, it is issued the modified consent for providing of the audio and visual media service upon the request (Video on Demand – VoD) for Telemach BH d.o.o. Sarajevo by which is stated the change of the name of the legal entity.

3.2.1.4. Ownership structure

During 2020, it is issued five consents for the change of the ownership structure of the users of the licences for radio broadcasting which is conducted via terrestrial radio diffusion (“3M-MUSIC COMPANY” d.o.o. Sarajevo, Studio N d.o.o. Livno, RPŽ RADIOPOSTAJA d.o.o. Žepče, Običan radio d.o.o. Mostar, Radio Njoy d.o.o. Bijeljina), one user for the television broadcasting conducted via terrestrial radio diffusion (Alternativna televizija d.o.o. Banja Luka) and one user that possesses both licences for terrestrial broadcasting (HTV Oscar C d.o.o. Mostar).

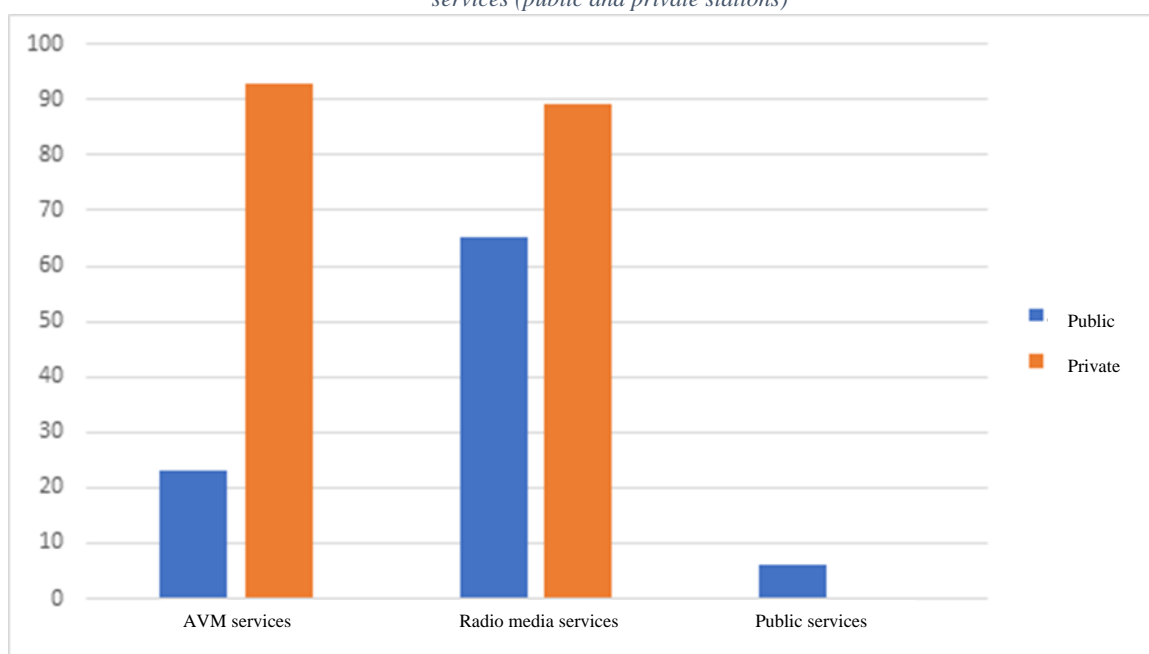
In table and the diagram that follows is given the display of the status of the users of licences in the area of provision of the audio and visual media services and radio media services in 2020 on the basis of the ownership structure of the legal entities of the users of the licences (private and public).

Table 1 Status of the users of the licence in the area of providing of the audio and visual media services and radio media services (public and private stations)

Status	Providers of the audiovisual media services			Providers of the radio media services				Public service (radio and TV)
	Licence for television broadcasting via terrestrial radiobroadcast	Licence for television broadcasting via other electronic communication networks	Consent for provision of the audiovisual media services on request	General licence for radio broadcasting (FM)	General licence for radio broadcasting (medium waves)	Licence for radio broadcasting via other electronic communication networks	Non-profit radio	

Status	Providers of the audiovisual media services			Providers of the radio media services				Public service (radio and TV)
	Radio diffusion	Comm. networks	Service on request			Comm. networks		
Public	14	6	3	65	-	-	-	6
Private	24	60	9	83	2	1	3	-

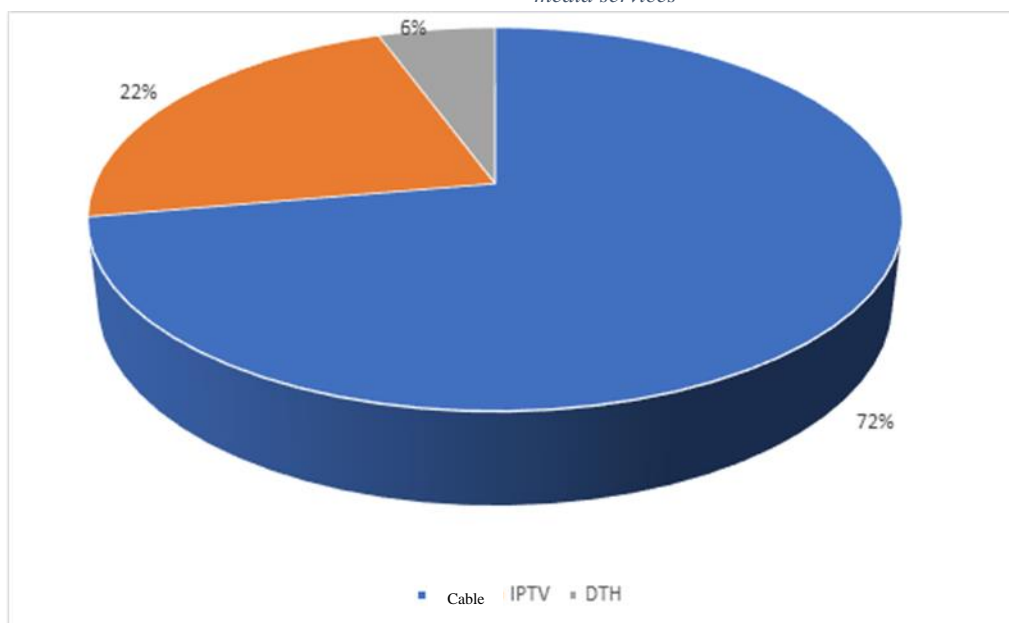
Figure 1. Status of the users of the licences in the area of provision of the audio and visual media services and radio media services (public and private stations)



3.2.1.5. Licence users for the distribution of the audio and visual media services and radio media services

In accordance with the issued licences for distribution of the audio-visual media services and radio media services (Licence) and according to the conditions of the licence prescribed by the Rule 79/2016 on the licences for distribution of the audiovisual media services and radio media services (Rule 79/2016), the right of distribution AVM service and radio media service has the total of 34 operators. Observing only the participation of the platforms that use users of licences in providing of distribution services of audiovisual media services of eight operators or 22.2% provide services via IPTV platform, 26 operators or 72.2% provide services via KDS platform and two operators or 5.6% in the framework of the issued licences provide services via DTH (*direct-to-home*) platform.

Figure 2 Manner of distribution of the users of licence for the distribution of the audiovisual media services and radio media services



Regardless on the fact that the most of the operators provide services via KDS platform, observing by the number of subscribers, IPTV technology is more widespread at the area of BiH and the participation of IPTV platform in comparison to the total number of the subscribers in BiH is 42.2% (361 545 subscribers that use IPTV platform) , participation of KDS platform is 40.8% (350397 subscribers that use KDS platform) and DTH platforms 17% (146 418 subscribers that use DTH platform).

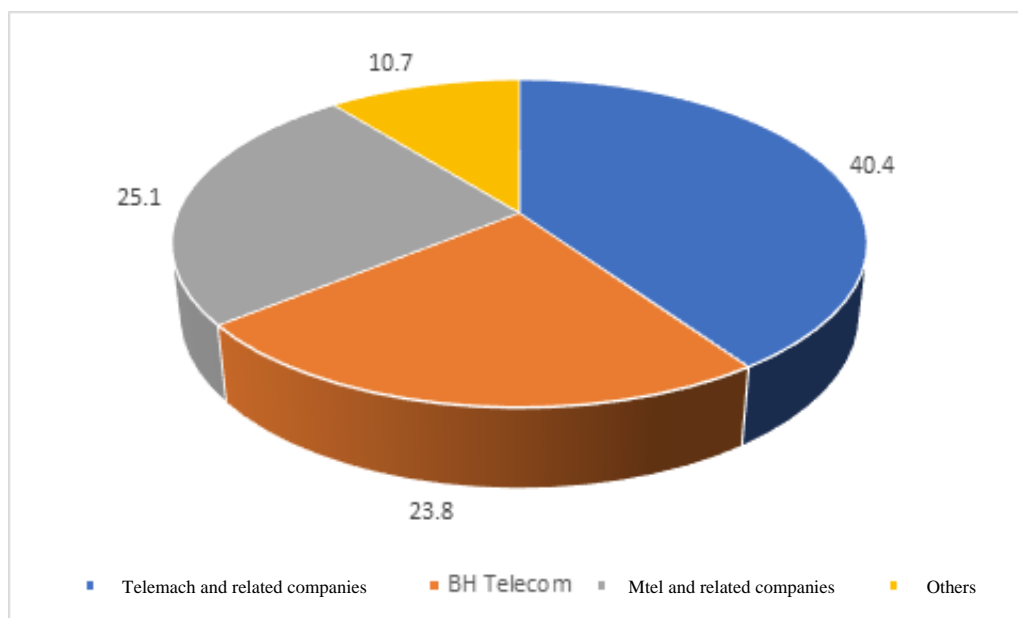
On 31 December 2020, the number of subscribers of the services of distribution of the audiovisual services and radio media services that use services via different platforms (IPTV, KDS and DTH) was 858 360. In comparison to 2019 that number was 832 903, the number of subscribers is increased for 25 457 or 3.1%. The total penetration of the distribution of the audiovisual media services and radio media services, that is, the coverage of the households of BiH services of the dictributions of audiovisual media services and radio media services is 74.3%.

The growth of the number of subscribers in 2020 in comparison to 2019 reported 14 operators of which the highest number of the new subscribers reported Mtel a.d. Banja Luka 13 921 or 13.5% more in comparison to the number of subscribers which is reported in the previous year, then it follows BH Telecom d.d. Sarajevo 7 242 or 3.7% and Telemach d.o.o. Sarajevo 6 615 or 2.2%. The other operators reported insignificant growth of the number of subscribers. However, 16 operators reported smaller number of subscribers in 2020 in comparison to 2019. Higher drop of the number of subscribers marked five operators of which two requested the validity termination of the Licence (KTV Sara d.o.o. Drvar and Avax net d.o.o. Lukavac) while the highest drop in the amount of 35.4% marked Terc Trade Company d.o.o. Prnjavor which has lost 912 subscribers, then it follows M&H Company d.o.o. Sarajevo 27.7%, that is, 1 067 subscribers and Blicnet d.o.o. Banja Luka 7.5% that is 2 480 subscribers.

Three operators have reported identical number of subscribers as well as the previous year, while one operator did not submitt data on the number of subscribers and Dinnet d.o.o. Gračanica and Gigaherc d.o.o. Gradačac to which the licences were issued at the end of the year did not have subscribers. The most percentage participation at the distribution market has Telemach d.o.o. Sarajevo that provides the services via KDS platform and DHT platform, (35.4%) as the independent holder of the licence but that percentage is higher and it is 40.4% when it is taken into considertation also its

related companies (HKB net d.o.o. Sarajevo, M&H Company d.o.o. Sarajevo and HS d.o.o. Sarajevo), then follows BH Telecom d.d. Sarajevo whose market participation is 23.8% and Mtel a.d. Banja luka as the independent holder of the licence that provides distribution services and via IPTV and DTH platform with the market participation of 13.6% while the total market participation of Mtel with its related companies (Blicnet d.o.o. Banja Luka, Elta-Kabel d.o.o. Dobož, Telrad Net d.o.o. Bijeljina and Logosoft d.o.o. Sarajevo) is 25.1%.

Figure 3 Percentage participation of the number of subscribers on the distribution market of the audiovisual media services and radio media services



In addition to the distribution services, six operators provide also the service on demand (Video on Demand – VoD) and they are: Hrvatske telekomunikacije d.d. Mostar, BH Telecom d.d. Sarajevo, HS d.o.o. Sarajevo and HKB Net d.o.o. Sarajevo.

The number of TV channels at the end of the observed period which the licence holders offer to its subscribers starts from at least 9 TV channels (Telesky d.o.o. Gradačac) up to 306 TV channels (Mtel a.d. Banja Luka). In the mentioned period are not included two new licence users, because they obtained licence just by the end of 2020 and they started the distribution. In exception to the offer of the basic programme packages some distributors have in the offer the additional (mainly topic) packages: sports, music and film. Also, individual licence holders in the offer have also the radio programmes from BiH and countries in the region.

In accordance with the Rule 79/2016 on licences for distribution of the audio-visual media services and radio media services during 2020 was altered 150 programme's list for the users of licences for distribution of audiovisual media services and radio media services on the basis of request. Besides the mentioned and on the basis of the request of the Licence sector, it is performed the analysis and it is given the expert assessment on the fulfillment of the conditions for the award of the licences for 3 requests for the distribution licence of the audiovisual media services and radio media services (Kabeltex d.o.o. Laktaši, Gigaherc d.o.o. Gradačac and Dinnet d.o.o. Gračanica).

Table 2 Number of subscribers of CATV/IPTV/DTH operators in BiH (situation in conclusion with 30 November 2020).

No.	Name of CATV/IPTV/DTH operator	Number of the subscribers	Technology /note	Number of programmes
1	AMB net d.o.o. Živinice	500	CATV	94 TV programmes
2	Avax net d.o.o.	420 (Licence	IPTV	/

No.	Name of CATV/IPTV/DTH operator	Number of the subscribers	Technology /note	Number of programmes
	Lukavac	ceased to be valid on 31 December 2020)		
3	BH Telecom d.d. Sarajevo	204 883	IPTV	210 TV programmes 46 radioprogrammes
4	Blicnet d.o.o. Banja Luka	30 655	CATV	259 TV programmes 16 radioprogrammes
5	Dasto-Sentel d.o.o. Bijeljina	227	IPTV	41 TV programmes
6	Detel d.o.o. Sarajevo	/	CATV	81 TV programmes
7	DSL Elektronika d.o.o. Modriča	107	CATV	16 TV programmes
8	EL-NET d.o.o. Laktaši	2 182	CATV	49 TV programmes
9	Elta-Kabel d.o.o. Doboj	47 748	CATV	224 TV programmes
10	ELTA-MT d.o.o. Tuzla	178	CATV	109 TV programmes
11	HKB net d.o.o. Sarajevo	26 835	CATV	Analogue: 90 Digital: 230 Extended packages: 42 Radioprogrammes: 29
12	HS d.o.o. Sarajevo	13 727	CATV	Analogue: 59 Digital: 229: Extended package:42 Radioprogrammes: 29
13	JP Hrvatske telekomunikacije d.d. Mostar	40 736	IPTV	152 TV programmes
14	KG-1 d.o.o. Goražde	1780	CATV	59 TV programmes
15	KT Sara d.o.o. Drvar	455 (licence ceased to be valid on 31 December 2020)	CATV	/
16	KTV EGE d.o.o. Matuzići	4 394	CATV	104 TV programmes
17	Logosoft d.o.o. Sarajevo	4 723	IPTV	273 TV programmes
18	M&H Company d.o.o. Sarajevo	2 789	CATV	Analogue: 59 Digital: 230 Extended packages: 42 Radioprogrammes: 29
19	Mediasky d.o.o. Živinice	1 821	IPTV	117 TV programmes
20	MISS net d.o.o. Bihać	5 500	CATV	117 TV programmes
21	Max TV d.o.o. Brčko	179	IPTV	125 TV programmes Start+PINK: 55 Arabian: 16 Radioprogrammes: 4
22	Neon Solucije d.o.o. Kalesija	3 912	CATV	123 TV programmes 3 Radioprogrammes

No.	Name of CATV/IPTV/DTH operator	Number of the subscribers	Technology /note	Number of programmes
23	Ortak d.o.o. Šipovo	710	CATV	61 TV programmes
24	Stokić d.o.o. Doboj	615	CATV	53 TV programmes
25	Mtel a.d. Banja Luka	IPTV: 108 556 DTH: 8 605 UKUPNO: 117 161	IPTV/DTH	IPTV: 306 DTH: 156
26	Telemach BH d.o.o. Sarajevo	CATV: 166 144 DTH: 137 813 TOTAL: 303 957	CATV/DTH	Analogue: 90 Digital: 260 Expanded packages: 42 Radio programmes: 30 TOTAL_platform Start: 44 Extra: 68 HBO: 3 Cinemax: 2 Cinestar: 2 Club X: 4 Film Box: 12 BN: 3 PINK: 40
27	TELRAD Net d.o.o. Bijeljina	16 082	CATV	217 TV programmes
28	Tel-net d.o.o. Ključ	400	CATV	41 TV programmes
29	Telesky d.o.o. Gradačac	14	CATV	9 TV programmes
30	Terc Trade company d.o.o. Prnjavor	1 993	CATV	99 TV programmes
31	Teonet d.o.o. Tuzla	324	CATV	19 TV programmes
32	Trion tel d.o.o. Banja Luka	Licence is not valid from 31 March 2020	CATV	/
33	TX TV d.o.o. Tuzla	22 150	CATV	141 TV programmes
34	ZipZap d.o.o. Zenica	214	CATV	159 TV programmes
35	WIRAC.NET d.o.o. Gračanica	989	CATV	40 TV programmes 4 Sports programmes
	Total number of subscribers	858 360		

3.2.2. Distribution of the audiovisual media services and radio media services

According to the Collective Agreement concluded between of the Association of the film industry (UFI) and the Association of the Cable Distributors (AKOP) on the cable retransmission of the audiovisual copyrights in BiH for the period from 2016 to 2018 (Official Gazette of BiH, number: 4/19), The Agency in 2019, acting in the framework of the authorizations from Article 3, Paragraph 4 of the Law on Communications and Article 7, Paragraph (1) of the Rule 79/2016 on the licences for distribution of the audio-visual media services, completed its obligations in the framework of undertaking of the reasonable measures in the framework of resolving the obligations of the licence holders for the distribution regarding the proving of the resolved copyrights regarding audiovisual

works. The Agency has done it in the manner that according to the mentioned Collective agreement it procured evidence on the resolved copyrights (signed individual contracts on the basis of the mentioned Collective agreement for 2016 to 2018 or evidence on the payment/depositing of the monetary funds in accordance to Article 26 of the Law on Collective Realization of the Copyright and Related Rights (LCRC and RR) and against the licence holders which did not deliver requested evidence, imposed the corresponding punishments.

After expiration of the mentioned Collective agreement, UFI has announced the Call for negotiations for conclusion of the new collective agreement (Official Gazette of BiH, number: 41/19) for the period from 2019 to 2020 and with the memo number: 175/19 of 2 July 2019 applied AKOP (Association of Cable Operators and Distributors of BiH). The conclusion of the new Collective Agreement between UFI (Association of the film industry) and AKOP still did not occur.

In the mentioned circumstances of non-existence of the tariff and the new Collective Agreement for 2019, and continuing, by which the licence holders could fulfil its obligation in the name of the compensation for the use of copyrights and the non-existence of the Council for copyright which is formally competent by the LCRC and RR to solve the resulting situation and the further activities of the Agency in 2020 on the protection of the copyrights are brought into question in comparison to all licence holders for the distribution issued by the Agency because the obligations of the cable distributors according to the Agency remained unresolved from 2019 which is known to the Council of the Agency.

3.2.2.1. Administrative proceedings against the distributors regarding the copyrights

- a) Acting by the Ruling of the Court of BiH, number: S1 3 U 29156 18 U of 30 October 2019, by which is upheld the lawsuit of United Media S.a.r.l. Luxembourg against the final Decision of the Council of the Agency, UP2: 03-29-7-3/18 of 23 April 2018, are repeated the actions against the cable/IPTV operators: Elta-Kabel d.o.o. Doboj, Blicnet d.o.o. Banja Luka, Telrad net d.o.o. Bijeljina and TXTV d.o.o. Tuzla for the purpose of testing of the possible violations of licence conditions and the rules of the Agency, that is, possible violations of rights of the owners of the programme content for broadcasting of the match of Eurobasket 2017.

Within the framework of repetition of the procedures, it is held the preliminary hearing, where the interested parties (United Media S.a.r.l. Luxembourg) and the parties in proceedings (Elta-Kabel d.o.o. Doboj, Blicnet d.o.o. Banja Luka, Telrad net d.o.o. Bijeljina and TXTV d.o.o. Tuzla) delivered the asked information, explanations and proposals of the lists of questions, witnesses and other evidence for which they consider that it should be searched and discussed at the oral proceedings. 4 oral proceedings were held: 27 May, 3 June, 10 June and 17 June 2020 on which is presented a large number of evidence: reports of United Media S.a.r.l. Luxembourg, responses and explanations of the mentioned cable distributors, electronic correspondence on the need of scrambling of the matches of Eurobasket 2017, written statements of the witnesses and oral hearing of the witness, The Ruling of the Municipal Court in Sarajevo of 12 July 2016 on imposing interim measures, Reports on the expertise of the Agency for Forensic Examinations and Expertise, on authenticity and credibility of the CDs and pictures/photographs of the parts of the matches of Eurobasket 2017.

After the finalized repeated procedures, Director General, on 31 August issued the conclusions:

- In the subject-matter UP1: 03-29-5-1190/19 (United Media and TXTV) that it is suspended the procedure regarding the unauthorized distribution of the match Serbia- Belgium (7 September 2017) and due to non-existence of the grounds for further conducting the procedure. With the same conclusion, it is established the violation by acknowledgement of the unauthorized distribution of the match Croatia – Hungary (1 September 2017) or Croatia - Romania (2 September 2017), but due to expiry of the deadline in the period of two years from the committed breach (absolute statute of limitation) the imposing of the sanction is obsolete;

- In the subject-matter UP1:03-29-5-1194/19 (United Media and Telrad Net) to suspend the proceeding regarding the nonauthorized distribution of the matches: Serbia -Turkey (4 September 2017), Serbia – Belgium (7 September 2017), Italy -Serbia (13 September 2017), Serbia-Russia (15 September 2017), Slovenia – Serbia (17 September 2017), Serbia – Turkey (7 September 2017), Serbia – Hungary (10 September 2017) and Croatia – Montenegro (4 September 2017) and due to nonexistence of the grounds for further conducting the proceeding;
- In the subject-matter UP1: 03-29-5-1195/19 (United Media and Blicnet) to suspend the proceeding regarding the nonauthorized distribution of the matches: Serbia – Latvia (1 September 2017) and Serbia – Russia (2 September 2017), and due to non-existence of the grounds for further conducting the proceeding;
- In the subject-matter UP1: 03-29-5-1196/19 (United Media and Elta kabel) to suspend the proceeding regarding the nonauthorized distribution of the matches: Serbia – Hungary (10 September 2017) , Serbia – Turkey (4 September 2017), Croatia – Montenegro (4 September 2017), Italy – Serbia (13 September 2017), Serbia – Russia (15 September 2017) and Slovenia – Serbia (17 September 2017) and due to nonexistence of the basics for the further conducting the proceeding.

Repeated procedures are suspended because the Agency could not take the presented evidence as facts on the basis of which could establish in an unambiguous manner wheater it is conducted the nonauthorized distribution of the mentioned contents of Eurobasket 2017 by the cable/IPTV operators: Elta-Kabel d.o.o. Dobož, Blicnet d.o.o. Banja Luka, Telrad net d.o.o. Bijeljina and TXTV d.o.o. Tuzla.

On the mentioned conclusions, United Media and TXTV d.o.o. Tuzla have filed the complaints which were forwarded to the Council of the Agency and the same are denied as unfounded.

b)During 2020, the Agency has completed the activities initiated in 2019 in connection with the proving of the resolved copyrights regarding the audio-visual works in the manner that it has initiated administrative proceedings against three holders of the Licence for distribution of the audiovisual media services and radio media services which did not deliver the signed individual contracts on the basis of the mentioned Collective agreement for 2016 -2018 or the proof on the payment/depositing of the monetary funds in accordance with Article 26 of the Law on Collective realization of the copyright and related rights (LCRC and RR) and impose the corresponding fines, namely:

- In the subject-matter UP1:03-29-5-1270/19, (DSL Elektronika d.o.o. Modriča) it established the violation of Article 7.1 of the Rule 79/2016 on the licences for distribution of the audiovisual media services and radio media services and issued the Decision by which it is imposed fine in the amount of BAM 2 500 due to failure to provide evidence on the resolved copyrights over the audiovisual works which are resolved in the collective manner. The operator did not file a complaint;
- In the subject-matter UP1: 03-29-5-1271/19 (Teonet d.o.o. Tuzla) it established the violation of Article 7.1. of the Rule 79/2016 on the licences for distribution of the audiovisual media services and radio media services and issued the Decision by which it is imposed fine in the amount of BAM 3 000 due to failure to provide evidence on the resolved copyrights over the audiovisual works which are solved in the collective manner. The operator did not file a complaint;
- In the subject-matter UP1: 05-29-1-156/20 (KTV E-G-E d.o.o. Matuzići) it established the violation of Article 7.1. of the Rule 79/2016 on the licences for distribution of the audiovisual media services and radio media services and issued the Decision by which is imposed fine in the amount of BAM 4 000 due to failure to provide evidence on the resolved copyrights over the audiovisual works which are solved in the collective manner. The operator filed a complaint and the Council of the Agency issued the Decision UP2: 05-29-8-5/20 by which the complaint is denied as unfounded and the imposed fine in the amount of BAM 4000 is amended in the fine of the amount BAM 2 500.

3.2.3. Objections and cases

From the total number of the processed cases from the area of broadcasting in 2020, in 28 cases were imposed executive measures on the basis of the established violations of the relevant provisions of the applicable rules and code of the Agency and the Election law of BiH, as follows:

- 13 violations of the Code on the audiovisual media services and radio media services;
- 2 violations of the Code on Commercial Communications;
- 8 violations of the provisions of rules and regulations that relate on the conditions of the broadcasting licence;
- 3 violations of the provisions of the rule regarding the distribution of the audiovisual media services;
- 4 violations of the provisions of the Chapter 16 of the Election Law of BiH.

From the total number of the imposed penalties, in 13 cases of the established violation are imposed fines in the amount of BAM 41 000⁵ and 14 written, 2 oral warnings and 1 revocation of the licence (licence for the radio broadcasting which is conducted via terrestrial radio diffusion).

Number and type of the executive measures in 2020:

Type of penalty	Number of the executive measures
Fines	13
Written warnings	14
Oral warnings	2
Suspension	-
Revocation of the licence	1
Total of	30

In the continuance is given the overview of violations and imposed measures by the infringed regulations.

Violation of the Code on the audiovisual media services and radio media services:

OFFENDER	EXECUTIVE MEASURE	PROVISION
ALTERNATIVNA TELEVIZIJA ⁶	BAM 2.000	Article 6 (Right to response), Paragraph (4)
BN MUSIC	Written warning	Article 16 (Participation of the audience in the audio-visual and radio programmes), Paragraph (2)
FEDERALNA TELEVIZIJA	BAM 3,000	Articles 22 (The obligation of the protection of the minors and categorization of the content); 24. (Content for which is probable that it could endanger the physical, psychological or moral development of the minors); 25. (Schedule and marking of the content for the purpose of protection of minors)
MTV IGMAN	Written warning	Article 3 (Basic principles), Paragraphs (3) and (4)
NTV 101	BAM 2,000	Article 18 (Marking of the reruns, recordings and archive material), Paragraph (1); Article 22 (The obligation of

⁵ After the two decisions of the Agency were amended in the second instance proceedings, the total amount of the imposed fines is BAM 37 500.

⁶By the decision of the Council of the Agency number: UP2:05-29-8-4/20 of 22 December 2020, the complaint of ATV against the Decision of the Agency UP1:03-29-5-1245/19 of 14 January 2020 was adopted and the decision was annulled and the subject-matter was returned to the first instance authority on the repeated proceeding.

OFFENDER	EXECUTIVE MEASURE	PROVISION
		protection of minors and content categorization), Par. (1) and (2); Article 24 (Content for which is probable that it could endanger the physical, psychological or moral development of the minors), Paragraph (1); Article 25 (Schedule and marking of the content for the purpose of protection of minors), Par. (1) and (2)
OBITELJSKI RADIO VALENTINO	Written warning	Article 16 (Participation of the audience in the audiovisual and radio programmes) Par. (1) and (2) and Article 7 (Fake or deceiving audiovisual and radio programmes), Paragraph (1)
OBN TELEVIZIJA	Written warning	Article 16 (Participation of the audience in the audiovisual and radio programmes), Paragraph (2)
TELEVIZIJA BN	Written warning	Article 16 (Participation of the audience in the audiovisual and radio programmes), Paragraph (2)
TELEVIZIJA OSM	Written warning	Article 22 (The obligation of the protection of the minors and categorization of the content), Paragraphs (1) and (2); Article 24 (Content for which is probable that it could endanger the physical, psychological or moral development of the minors), Paragraph (1); Article 25 (Schedule and marking of the content for the purpose of protection of minors), Par. (1) and (2)
TELEVIZIJA ZENICA	BAM 3,000	Article 5 (Justice and impartiality) Paragraph (2) and Article 6 (Right to response) Paragraph (3)
TV PODRINJE	Written warning	Article 3 (Basic principles), Paragraphs (3) and (4)
RADIO BOBAR	Written warning	Article 7 (Fake or deceiving audiovisual and radio programmes) Paragraph (1) and Article 16 (Participation of the audience in the audiovisual and radio programmes) Paragraphs (1) and (2)
OBN TELEVIZIJA	BAM 7,000	Article 7 (Fake or deceiving audiovisual and radio programmes) Paragraphs (1) and Article 16 (Participation of the audience in the audiovisual and radio programmes) Paragraphs (1) and (2)

Violations of the Code on the Commercial communications:

OFFENDER	EXECUTIVE MEASURE	PROVISION
RTV HERCEG BOSNA	Oral warning	Article 9. (Duration of the television advertising and teleshop), Paragraph (2); Article 16 (General principles regarding the the sponsorship), Paragraphs (2) and (3); Article 18. (General principles regarding the products' placement)), Paragraph (3); Article 19 (Marking of the products placements) Paragraphs (1), (2) and (3)
TV 7	Written warning	Article 17 (Forbidden sponsorships) Paragraph (3)

Violations of the Rules on providing of the audiovisual media services and the Rules on provision of the radio media services:

OFFENDER	EXECUTIVE MEASURE	PROVISION
RADIO TELEVIZIJA HERCEG- BOSNE	Written warning	Article 13 (<i>Programme conditions</i>), Paragraphs (2) and (9), Article 29 (<i>Programme obligations</i>) and Article 21 (<i>Referral of the information to the Agency and the Agency's register</i>), Paragraphs (1) and (2) of the Rule 77/2015 on provision of the audiovisual media services
NTV 101	BAM 3,000	Article 13 (<i>Programme conditions</i>) Paragraph (5), Article 21 (<i>Referral of the information to the Agency and the Agency's register</i>) Paragraphs (1), (2),(3) of the Rule 77/2015 on provision of the audiovisual media services
POSAVINA TV	BAM 2,500	Article 21 (<i>Referral of the information to the Agency and the Agency's register</i>) of the Rule 77/2015 on provision of the audiovisual media services
KISS FM	Written warning	Article 13 (<i>Programme conditions</i>) Paragraphs (2) and (9), Article 21 (<i>Referral of the information to the Agency and the Agency's register</i>) Paragraphs (1) and (2) and Article 28 (<i>Programme obligations</i>) of the Rule 76/2015 on provision of radio media services
RTV Tuzlanskog kantona	Oral warning	Article 30 (<i>Editorial Board</i>), Paragraph (3) of the Rule 77/2015 on provision of the audio-visual media services; Article 29 (<i>Editorial Board</i>), Paragraph (3) of the Rule 76/2015 on provision of radio media services
ATV	Written warning	Article 22 (<i>Licence transfer</i>) Paragraph (3) of the Rule 77/2015 on provision of the audiovisual media services;

Violations of the Rule 79/2016 on licences for distribution of the audio-visual media services and radio media services:

OFFENDER	EXECUTIVE MEASURE	PROVISION
DSL Elektronika d.o.o. Modriča	BAM 2,500	Article 7 (<i>The right on distribution</i>), Paragraph (1) of the Rule 79/2016 on licences for distribution of audiovisual media services and radio media services
Teonet d.o.o. Tuzla	BAM 3,000	Article 7 (<i>The right on distribution</i>), Paragraph (1) of the Rule 79/2016 on licences for distribution of the audiovisual media services and radio media services
KTV E-G-E d.o.o. Matuzići, Doboj Jug	BAM 4,000 ⁷	Article 7 (<i>The right on distribution</i>), Paragraph (1) of the Rule 79/2016 on licences for distribution of the audiovisual media services and radio media services

⁷ By the Decision of the Council of the Agency number: UP2:05-29—8-5/20 of 22 December 2020 in the first instance decision UP1:05-29-1-156/20 of 13 January 2020 fine in the amount of BAM 4,000 was amended into a fine in the amount of BAM 2,500.

Violations of the Chapter 16 of the Election Law of BiH:

OFFENDER	EXECUTIVE MEASURE	PROVISION
RADIOPOSTAJA ORAŠJE	Written warning	Article 16.14 Paragraph (5)
TELEVIZIJA TUZLANSKOG KANTONA	BAM 3,000	Article 16.14 Paragraph (5)
RADIO RAMA	BAM 3,000	Articles 16.3 and 16.4
RADIO RAMA	BAM 3,000	Article 16.14 Paragraph (5)

Regarding the violations of the programme standards contained in the Code on the Audiovisual media services and radio media services, the significant number of the established violations was related on the provisions regarding the protection of the minors from the potentially damaging and inappropriate programme contents, first of all, the wrong application of the classification markings and broadcasting dates. The largest number of determined violations, however, relate on the participation of the audience in the programme via calling the numbers for the services with the additional value (*premium rate*), what in most cases are astrological shows and various quizzes, more exactly the charging of these calls by the unit of duration and not one-time by the call as it is prescribed by the Code. Considering that the direct fraud and financial damage is inflicted to the citizens, the violations of this provision are particularly serious.

Unlike previous years in which it was established frequent violations of the provisions of the Code on the commercial communications, in 2020 were established only two violations of this regulation.

Violations of the rules and regulations that relate on the licence of the conditions for broadcasting during 2020 are mainly related to the non-compliance of the programme conditions, such as the insufficient representation of the individual programme segments and the structure of the programme and failure to submit the recordings and information on the broadcasted programme.

Precisely, the submission of the recordings and accompanying documentation represents a significant obligation in respecting of the mentioned rules and regulations, having in mind that on the fulfilment of this obligation depends the execution of the regulatory obligations of the Agency in the sense of the verification of the rules and regulations in the part that relates on the broadcasted content.

When the distribution of the audiovisual media services and radio media services is concerned, the violations in 2020 are related on the non-compliance with the requirements of delivery of the valid evidence of the Agency on the resolved copyrights of the distribution of the audiovisual works.

The last part of the year was marked by the election campaign regarding the holding of the Local elections 2020 as well as the Local Elections for the City of Mostar. Established violations of the election rules mostly referred to the excess of the allowed time for broadcasting of the political advertising.

For the purpose of the increase of the transparency of establishing of the regulatory measures, the Agency in 2020 has started the publication of the Periodical publication – Review of the cases. The purpose of the publication is to present the processed cases of the potential violations of rules and code from the broadcasting area through analysis and illustration of the cases and in an educational and transparent manner as well as the acting of the Agency by the received objections of the natural and legal entities.

3.2.4. Activities related to the Local Elections 2020

Local elections of 2020 in BiH were held on 15 November 2020 and the election campaign officially started on 16 October 2020. In addition to that, on 20 December 2020 were held the Local elections for the city of Mostar. The Agency is competent for the implementation of the rules regarding media coverage of the elections and which are contained in the Election Law of BiH within the Framework of Chapter 16 *Media in the election campaign* and the Rulebook on the media representation of the activities of the political entities from the day of calling of the elections until the day of holding of the elections. The Agency monitors the conducting as the quantitative rules (regarding the paid political

advertising and immediate addressing of the political entities) and also the obligation of the just, balanced and impartial reporting on the activities of the political parties. The stations are obligated to deliver to the Agency the pricelist of the paid political advertising not later than 15 days before the start of the election campaign and the schedule of the planned political programmes not later than 7 days before the start of the election campaign. Delivery of the weekly reports on the realized election programme content is mandatory, namely each Monday for the previous week.

From the total of 7 cases of the potential violations of the relevant rules and regulations, 5 procedures are initiated on the basis of the analysis of the submitted reports and observed overdraft in the paid political advertising and 2 on the basis of the received objections. On the basis of the established violations of the Election Law of BiH and the Rulebook on the media representation of the political entities from the day of calling of the election until the day of holding of the elections, in 2020 are imposed 4 executive measures in total of which 1 is an oral warning and 3 are fines in the total amount of BAM 9,000. Due to the fact that the Local elections were held later this year than in previous elections, that is, 15 November, certain procedures were not finalized by the end of the year and they are continued in 2021 and the same are not included in the Report for 2020.

3.2.5. Monitoring of obligations related to European works and European works of the independent producers

In accordance with the provisions of the Rule 77/2015 on provision of the audiovisual media services and in accordance with the Instruction on the manner of reporting on the share of the European works and the European works of the independent producers in the programme content, the Agency prescribed the obligation to the users of the licence for television broadcasting that, in the manner and in the form prescribed on the prepared form for this and to keep records on the share of the European works and European works of the independent producers in its programme content. According to the official duty, the Agency, in accordance to the relevant regulations determined seventeen (17) users of licences which are the obligation of delivery of the reports to the Agency. Those are: BHT1, RTRS, FTV, Alternativna televizija, FACE TV, Aljazeera Balkans, TV TK, TV USK, TV SA, TV Goražde, TV BN, TV BN SAT, Nova BH, TV Hayat, TV Hayat+, O Kanal and OBN.

3.2.6. Media and Information Literacy

Media and information literacy-MIL is generally defined as ability of approaching to media, understanding and critical assessment of the various aspects of the media and media content. Media literacy is related to all media, including television and film, radio and recorded music, printed media, Internet and all other new digital communication technologies. That is the founding competence not only for the young generation but also for the adults and older persons, parents, teachers and media professionals. Media literacy is today considered an important factor for the active citizenship in the present information society.

Activities on the promotion of the media and information literacy are in the course of 2020 intensified due to COVID-19 pandemic which additionally pointed out the importance of the media and information literacy for the citizens. At the start of the year, it was continued previously started realization of the activities on the topic "Media literacy-minors' protection" in the framework of the Instrument of the technical assistance and information exchange (TAIEX) of the European Commission. Experts from Germany, France and Italy held a three-day workshop on this topic as for the employees of the Agency and also for the external participants that deal with the issues of the minors' protection.

In accordance with the strategic objective 5.13. of the Development medium term plan of the Agency for the period from 2019 to 2021, the Agency together with the Foundation "Mediacentar" Sarajevo and the Faculty of the Political Sciences of the University in Sarajevo organized second meeting of the institutions and organizations from the area of media and information literacy, where 50 participants were present. The purpose of the meeting was the planning of the activities in the framework of the initiative of the Agency for marking of the day of Media and Information Literacy in the period from 27 March to 5 April 2020 by the model of the initiative of the European Commission for marking of the European week of Media Literacy in BiH. Considering the events

regarding COVID-19 pandemic and official recommendations, the Agency issued the decision on the postponement of the campaign until further notice, but the Agency via Facebook page Media and Information Literacy in BiH created and distributed particular materials (publications of 12 March, 24 March, 6 April and 16 April) regarding the information during the time of pandemic caused by COVID-19. For the purpose of exchange of information and coordination of the activities, the Agency has formed and administered of the closed Facebook group under the name “Media and Information Literacy – group of experts in BiH”.

In the beginning of March 2020, it was established Facebook page “Media and Information Literacy in BiH” where it was published, on a daily basis, contents of the different forms and on the topics that inform on the useful events or educate on the terms and topics from the area of media and information literacy. By the end of this year, this page has reached a considerable popularity, first of all among the media educators, teachers, professionals that deal with education and welfare of children, various associations and parents. In addition to that, the Agency conducted a research under the name “Adequate informing of the young people on the situation regarding COVID-19 in BiH”, via UNICEF communication platform U-report. Approximately 3 500 subjects, first of all young people, has given the answers on the questions of the adequate information on the situation regarding COVID-19, from which sources are they informed, how many times a day and if they know in which manner to verify certain information.

In cooperation with UNICEF in BiH and the Agency for testing of the public opinion Custom Concept, the Agency has implemented a long preparatory research “Media habits of the children and positions of the parents.” It was interviewed around 4000 children from the age 0 to 18 years and their parents. It is about the first research of this type in BiH which is statistically representative and gives a detailed insight on the fact to which media and information-communication technologies the children have access, which content do they watch, how much time they spend in front of the screen and how the parents conduct supervision and from which sources they learn about the media. With the purpose of rising awareness on the gender equality, on the occasion of the International Women’s Day, on 8 March, the Agency prepared and published the information on the representation of women in the management, director and editor’s positions in the radio and television stations. Also, in two conducted research were particularly isolated the differences between the genders in the stated results. In the framework of JUFREX project of EU and the Council of Europe was created the “Overview of the provisions of the Code on the audiovisual services regarding the minors’ protection”. The study was presented to the representatives of the TV stations and licence holders for distribution of the media services via online shops and it will be used in the process of transposing of the new Directive on the audio-visual media services.

During 2020, the Agency has intensified also the cooperation with the leading international bodies that perform media and information literacy and it presented its experiences in the work in this area. It has actively participated in the marking of UNESCO Global Week of Media and Information Literacy in October. In addition to the active membership in UNESCO Global Alliance for Media and Information Literacy, the Agency also joined the Submediterranean Alliance Group “GAPMIL – Submediterranean Chapter”, and which was formed at the level of the countries of the Mediterranean region with the purpose of a better development of media and information literacy in these countries. The Agency participated in the activities of this group, the creation of the brochure on the actors in the Mediterranean region and the webinar on the topic of fight against infodemic.

During 2020, the Agency created the document under the name “What is disinformation and how to confront it?” which contains the display of the various definitions of disinformation and information disturbances, activities undertaken by the bodies of the European Union and the Council of Europe and the regulators. The Agency participated on the various domestic and international webinars with the presentations on how to fight by the media and information literacy against the disinformation and infodemic.

During 2020, activities were undertaken in connection with the establishment of the web-page www.medijska.pismenost.ba as the tools of communication and promoting the activities in the area of media literacy and in accordance with point 5.13. the Development Medium Term Plan of the

Agency for the period from 2019 to 2021. The creation of the technical part of web-page was supported by UNESCO.

In cooperation with the International Telecommunication Union (ITU) and the Prime Communication Agency, in December 2020, the Agency conducted the campaign “Safety of the Children Online”. The campaign included the promotion of the material on the social networks, online presentations of ITU material where it was present approximately 70 participants from BiH and the media promotion in the form of announcement and press releases regarding the promotion, presentation of the material on three large web-portals in BiH through created articles and hosting in the media programmes. Materials were seen by more than 137 000 persons on the social networks in BiH and the campaign was presented as the example of the good practice on ITU online shop on Online Safety of the Children.

3.2.7.COVID –19 pandemic activities

In the first several months of the health crisis caused by COVID-19 pandemic, the Agency received several objections regarding the reporting on this topic. Although, that in none of the cases is established the violation of the relevant provisions of the Agency, in the particular cases was noticed that the stations did not completely apply to the standards ordered by the postulates of the professional and ethical journalism, closing to the domain of sensationalism and risking the spread of the disinformation.

The Agency has, as in the direct addressing to the stations and also via press releases, in several occasions pointed out the significance of the editorial and professional responsibility during the reporting on COVID-19 pandemic in order to avoid the transfer of half, incomplete and unreliable information, inquiries and measures regarding the current situation. Also, the Agency summoned the stations, with consisted respect of the rules and regulations, to provide in the programme professional collocutors from the relevant areas, such as healthcare, safety and economy and to avoid the sensationalism, speculations and unofficial theories which may cause the sensation of uneasiness, fear or panic among the population. Likewise, it appealed to the providers of the media services that during the reporting on this topic to approach it in a professional manner referring to the credible sources and competent authorities’ protocols. The Agency also reminded on the provision that prescribes that each provider of the media services is obligated, upon the request of the competent authority, without any compensation to announce the decrees and official releases in the situations which may represent the risk on the health and lives of the citizens, safety of the country and the public peace and quit.

Having in mind the fact that 10% of the population of BiH has physical, sensory, development, mental or emotional forms of disability and 30% of the total population is directly or indirectly inflicted by the consequences of the phenomena of disability and the special attention is devoted to the access to information of the vulnerable categories of the population who are more than others exposed to disinformation which may lead to the spreading of fear, panic and agitation. It is issued the recommendation to the public RTV services to provide the translation to the sign language in the news programmes. Also, by the recommendation of the Agency, Public RTV services have ensured reading of the written information and important telephone numbers from the television screens and in this way, they ensured timely information of the blind and visually impaired persons. In addition to this, the call was directed to the crisis headquarters to make additional efforts in order to procure accessibility to the relevant information also to the persons with impairments, via the interpretation of the same on the sign language and reading it aloud.

Finally, having in mind that the health crisis caused by COVID-19 virus has caused the drop of the incomes of the users of licences in broadcasting, the Council of the Agency has altered the decision on the amount of the rate and the value of the point for the calculation of the annual fee for licences by which are determined the amount of rate of the calculation of the annual fee for the licences in broadcasting for 2020 in the amount of 0.25% (instead of 0.50%) of the total income of the users of the licence in the fiscal year 2019 and the deadline for the payment of the calculated annual fee was prolonged up to 30 September 2020. The application of this measure reduced the revenues of the licence users in broadcasting for the amount of approx. BAM 185,000.

3.2.8. Regulatory changes and harmonization with EU legislation

Focus of the activities on the amendment of the applicable regulations from the area of broadcasting was on the improvement of the rules regarding minor's protection. Thereby, for the needs of the Agency and in the framework of JUFREX 2 project⁸ of the Council of Europe and European Union, was created the analysis of the current BiH regulatory framework for the minors' protection and the recommendations from the amendments and the supplements of the same.⁹

In accordance with the conclusions of this analysis, as well as the results of monitoring and the survey of the users of the licence in connection with the application of the qualification system and marking of the programme content which the Agency conducted in March 2020 was prepared the draft of amendments of the Code on the audio-visual media services and radio media services in the part that concerns the qualifications and marking of the programme content for the purpose of minors' protection. Draft, by which is stipulated the abolishment of the time limit for content broadcasting which was not appropriate for minors below 12 years of age was referred to the process of the public consultations.

In addition to that, in the System Licence which is consisted of: the Licence for the Public Radio and television Service of BiH (BHRT), Licence for Radio and Television of the Federation of BiH (RTV FBiH) and the Licence for the Radio and Television of the Republic of Srpska (RTRS) for the first time are clearly prescribed the obligatory provisions that relate to accessibility of the programme content to the disability persons, as follows:*6.6. Public RTV services are obligated, on a weekly basis, to regularly broadcast the news, cultural, educational, entertainment, motion and documentary programme in the manner accessible to the persons with disability and development difficulties, particularly with the persons with damage of the hearing or sight, including the children. The accessibility is realized, among other things, by the interpretation to the sign language, by subtitling and audio description. At least one news shows a day in the primetime has to be on a sign language. 6.7. Share of the programme available to the persons with disability and the development difficulties in the first year from the issuing of the licence, starting from 1 September 2020 will amount 10% minimum of the total broadcasted programme. Public RTV services with the application of the proportional measures, gradually and in continuity increase this share with the purpose to be realized at least 25% of this programme until the expiration of the licence. Public RTV services are obligated that until 1 September 2020 create and deliver to the Agency on approval a five-year action plan for the purpose of fulfilment of the obligation. The approved Action plan becomes the integral part of the condition of the Licence. Public RTV services will adapt the programmes schemes in accordance with the approved Action plan and timely notify the Agency on the same.*

Also, the undertaken activities on the creation of the drafts of amendments of the code and rules from the area of broadcasting for the purpose of harmonization with the revised EU Directive on the Audiovisual Media Services (EU 2018/1808).

3.2.9. Procurement of an information system for machine recognition of voices and words in the audio-visual media space

In accordance with the strategic objective of 5.18. Development Medium Term Plan from 2019 to 2021, the Agency has conducted the procurement of the System for machine recognition of voices in the audio-visual media space and radio media space in BiH. With the Decision on initiation of an open proceedings number: 02-16-10-2218/20 of 25 September 2020 and in accordance with the provision of the Article 18 and Article 25 of the Law on Public Procurement (Official Gazette of BiH, number 39/14), (Law), the Agency initiated an open proceeding for the procurement of the information system for machine recognition of voices and words in the audiovisual media space and the radio media space in BiH.

⁸ Strengthening of the judicial expertise on the freedom of speech in the media of the countries of the Southeast Europe.

⁹ Available on <https://rak.ba/bs-Latn-BA/brdcst-media-literacy>

The new system will enable the best possible manner of response to the future challenges of the more quality monitoring of the media space in BiH, thereby with the new technological platform will save on time which will be used for a more detailed and more comprehensive analysis and by the application of the new mechanisms of monitoring the respect of licence requirements and rules and regulations of the Agency and contribute to a more professional media.

3.2.10. Procurement of a centralized system for monitoring of the number of users at cable operators in BiH

With the purpose of an improvement of the regulatory activities and the control of licence users for distribution of audiovisual media services and radio media services and in accordance with the strategic objective 5.19 of the Development medium term plan from 2019 to 2021, the Agency by the decision on the initiation of the open proceedings number: 02-16-10-2219/20 of 25 September 2020 and in accordance with the provision of Article 18 and Article 25 of the Law on Public Procurements (Official Gazette of BiH, number: 39/14), (Law) initiated an open proceedings for the procurement of the centralized system for monitoring of the number of users at the cable operators in BiH for the needs of the Agency.

Centralized system will enable the monitoring of the real number of users at all cable operators which fall under the competence of the regulator. The data will be used for verification of the data on the number of users for each operator.

3.2.11. Transition from analogue to digital terrestrial broadcasting

With the award of the licence for Multiplex C in October 2019 and the transition from the analogue to the digital terrestrial broadcasting was made a positive step which enabled everyone and particularly the commercial TV stations to plan digital terrestrial broadcasting. However, further activities for the entry of the television stations in Multiplex C in 2020 are suspended having in mind that the Agency with the decision UPI: 03-29-1-1/21 satisfied the complaint of the company "MULTIPLEX SERVICE BH" d.o.o. Sarajevo for the extension of the deadline for realization of the obligations from the Licence for the use of the radiofrequency spectrum for provision of the service of management of electronic communication network in the digital terrestrial radiobroadcast – MULTIPLEX C number: 171 MUXC (due to circumstances caused by COVID-19 pandemic) and established 31 December 2021 as the final deadline for achieving of 90% of service coverage.

3.3. RADIO COMMUNICATIONS' AREA

Radio communications' area is competent for execution of affairs from the competence of the Agency defined by the Law on Communications and other relevant acts that relate on this area.

Due to conducting the affairs from the competence of the area, two basic internal organizational units are established which by the previous rulebook on internal organization existed as the separate and independent units; one of radio planning and management of the radio spectrum and other for radio monitoring and the control of respecting the requirements of the licence. With the new Rulebook, which is in the application by the end of 2019, was created radio communications 'area that unites the two previously mentioned.

Sector for the management of the radiofrequency spectrum (hereinafter RF spectrum) is focused on radio planning, international radio coordination, representation in BiH professional organizations, the processing of the demands for the award of radio spectrum and the preparation of technical requirements for licence issuing.

Sector for radio monitoring and the control of compliance is focused on the verification of the use of radio spectrum, verification of compliance of the technical requirements of broadcasting, measurements and collecting of data which are necessary to the other areas due to verification of the licence requirements.

For the verification of the usage of the radio spectrum, the Agency uses 14 fixed stations, 4 mobile and several hand-held units. During the reporting period, radio communications' area continues the activities on the realization of the projects which have been confirmed by the annual plan of work of the Agency and establishes the process of the periodical control of respecting of the conditions of the issued licences and initiated administrative proceedings ex officio. The following initiated projects are in process:

- Putting into operative function the procured equipment and initiated regular verification of the service quality of the mobile operators.
- Procurement and positioning of the sensor network for radio frequency supervision and the detection of the disturbances in the urban environments.
- Preparation of the Rules by which is regulated the control of the non-ionizing radiation from the adverse health effects.
- Procurement of the transferable equipment for measurement of the non-ionizing radiation.
- Establishment of the process for the selection of the locations, regular measurement of the non-ionizing radiation and notification of the measured results.

During the last quarter of 2020, the Rule on the amateur radio service is adopted.

The application of the new organizational scheme of the Agency is continued in the altered conditions. Aggravating circumstance represents the fact that this area now functions with the smaller number of employees in comparison to the earlier period, due to personal changes and in the following period that deficit must be removed in order for the Radiocommunications' area could function without disturbances and in the full working capacity. Introduction of the regular control and initiation of the administrative proceedings ex officio is work intensive and connected with the additional trainings for the staff. Trainings are conducted in the time period from September to November and were referred to planning, announcement and performance of the regular control on the harmonization of the procedures and criteria for initiation of the administrative proceeding, official internal communication and correspondence toward the users, measurements' procedures and the procedure of conducting the investigation during the visit to the transmission locations.

Due to the work-intensive activities of the periodical monitoring and results processing, there was no free place for emergency controls and collecting of the samples of the programme for the needs of the other areas. In the meantime, the need for collecting of the samples is significantly risen in the precisely determined timeframe (it transmits also the reruns of the sports events) but for that activity there was no available personal resources. The staff of the Agency has recognized the technical and personal deficits and suggested that from the existing equipment and with the available resources

prepare the auxiliary tools that enable the satisfaction of the specific needs for recording of TV programmes which are distributed via analogue cable distributors and terrestrial broadcasting. The preparation is nearing the end and it is expected the introduction into the operation 4 units by the mid-March. After the setting up at the user or the cable operator, the equipment will be able to record 3 programmes remotely controlled and simultaneously and put them for disposal for the further analysis.

Radio planning and preparation for issuing of the licences is divided by the professionally specific services, as it was given in the Intention plan. On these operations a delay was recognized, which is the consequence of the previously mentioned deficits. Recognized backlogs are resolved in the final quarter and the procedure of processing demands suffered the modifications for which is believed to enable sufficient operation update in the current conditions.

3.3.1. Fixed service

3.3.1.1. Microwave links

During 2020, the Agency in total issued around 200 licences to the dominant operators, while around 90 licences was cancelled.

Due to transfer to the other technologies and in 2020 was also continued the trend of the reduction of the activities in the transmission networks of the commercial network operators, Internet services providers, closed groups of users, Public RTV services and RTV stations. The activities in the networks of these users are limited on the extension of licence validity and it was also marked the significant number of resignations. Possible reason for the fall of interest for the usage of the microwave links is the price of usage, the reduced mobility of personnel that maintains the equipment and migration of the operators toward the optical transmission paths as the introduction for introducing of 5G network.

In 2020, for the other users was issued 7 new licences in total, of which 5 for the extension of validation and 2 of the new licences. In the same period ,25 licences were cancelled.

By the request of the Ministry of Security of BiH, it is performed the amendment of Annex I of the Agreement signed by the Ministry of Security and the Agency from 2018, on the use of the spectrum for the needs of the Ministry and the administrative organizations in its composition. With the Annex it is increased the capacity of links. With the amended Annex, the transmission network was implemented in the ranges 6 and 26 GHz.

At the request of the Ministry of Defence, it is awarded several consents for the use of the part of the spectrum intended for the civil users in RF range 10,15-10,65 GHz. The range will be used for fixed connections between the equipment in the aviation communications. The consent is issued for the time period of one year, with the start of use from December 2020. By the expiration of the given period, the Agency will reconsider the extension of the consent for the new period, taking into consideration the current needs of the civil users.

The total activities and the issued consents for the networks of the safety and defence authorities in 2020:

- IDDEEA, consents for the two connections in the range of 11 GHz
- Ministry of Defence of BiH, the consent in the range of 10,15 to 10,65 GHz for the needs of EUFOR,
- Revision of the Agreement of the Ministry of Security and the Agency from 2018 and signed amended Annex I

In Table 14 is given the overview of the microwave connections by the RF ranges and the categories of the users (dominant telecom operators, network operators, Public RTV services, commercial RTV stations, special categories of users) in conclusion by the end of 2020.

Table 14: Number of microwave links by the categories of users and ranges*

RF range	Dominant operators	Network operators	Public RTV	Commercial RTV	Special categories**	TOTAL
up to 400 MHz				98/98	2/2	100/100
up to 1.5 GHz				62/62	8/8	70/70
2 GHz			13/32	13/13		26/45
3.4-3.8 GHz			4/13		2/2	6/15
3.8-4.2 GHz			19/44			19/44
6L (5.9-6.4 GHz)	4/14	2/4	2/5		36/36	44/59
6U (6.4-7.1 GHz)	11/38	18/32				29/70
7L (7.1-7.4 GHz)	8/13	0/0	1/2		14/19	23/34
7U (7.4-7.7 GHz)	0/0	0/0	5/10		65/98	70/108
8 (7.7-8.5 GHz)	77/97	6/6	11/38		0/0	94/141
10-10.68 GHz	0/0	0/0	4/11	59/60	7/7	70/78
11 (10.7-11.7 GHz) (GGHGH) GHz)	0/0	0/0	14/26	20/20	98/98	132/144
13 GHz	137/140	8/9			17/21	162/170
15 GHz	263/266	0/0			5/5	268/271
18 GHz	761/772	8/8			53/53	822/833
23 GHz	774/777	3/3			1/2	778/782
26 GHz	273/273	0/0			14/14	287/287
38 GHz	37/37	0/0				37/37
70 GHz	14/14	0/0				14/14
Mobile links			6/6		6/6	12/12
TOTAL:	2359/2441	45/62	79/187	252/253	328/371	3063/3314

*In the table is given the number of radio routes/number of radio channels.

** In this group belong the Armed forces, Ministry of Security of BiH, IDDEEA (ex CIPS), police directorates, state security services; EUFOR, EUPM, close groups of users and similar.

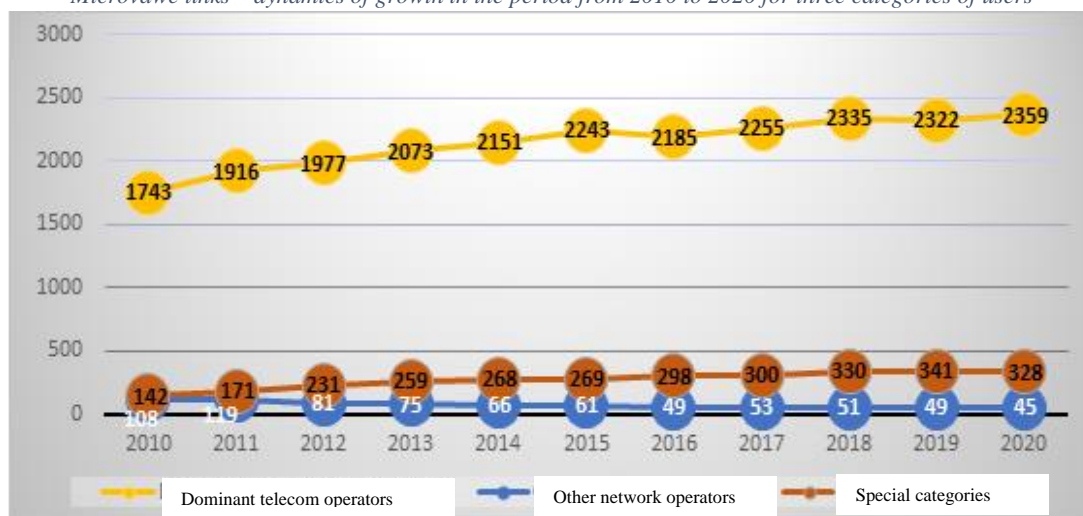
Error! Reference source not found. Displays the number of links in the period from 2015 to 2020 on the characteristic ranges (6L, 6U, 8G) and infrastructure ranges from 13 to 26 GHz. From the overview it is obvious the non-existence of the greater fluctuations.

Comparative overview of the number of links in the ranges from 6-26 GHz in the periods from 2015 to 2020

RF range/ year	6L (5.9-6.4 GHz)	6U (6.4-7.1 GHz)	8G (7.7-8.5 GHz)	13 GHz	18 GHz	23 GHz	26 GHz
2015	33/118	57/170	118/206	110/121	792/803	789/794	155/155
2016	14/46	39/113	108/190	125/136	811/822	726/736	212/212
2017	14/46	39/111	107/189	129/140	838/848	750/762	243/243
2018	45/74	32/82	105/177	147/158	829/839	799/809	256/256
2019	43/61	31/79	103/177	153/161	834/844	780/788	260/260
2020	44/59	29/70	94/141	162/170	822/833	778/782	287/287

Table displays the dynamics of the number of links in the period from 2010 to 2020 for three users (dominant/mobile telecom operators, the other network operators, special categories of users). From the reviewed dynamics, it is visible that there are no significant variations by the different categories of the users.

Microvawe links – dynamics of growth in the period from 2010 to 2020 for three categories of users



3.3.1.2. Multimedia distribution systems (MMDS) 11,7 – 12,5 GHz

In 2020, users of MMDS systems in the range of 11,7-12,5 GHz have submitted the requests for the termination of the validation of the licence for the usage of blocks of frequencies at the area of 10 municipalities and the termination of validation of the licences for the total of 13 base stations by the requests of three users (AVAX Net d.o.o., Telemach BH d.o.o. Sarajevo, TXTV d.o.o. Tuzla).

In this reporting period, it is clearly recognizable the drop of interest and the increased number of cancellations of usage. The causes of these processes are multiple, inter alia: migration toward the optical transmission systems, market coagulation by taking over of the smaller operators and the reduced availability of the market equipment which is the consequence of the world trend for the transition to the cable access network, broad representation of the satellite service in this range, the non-existence of the return channel from the user toward the operator, due to high prices. Considering the numbered aggravating factors, it is the estimate that the trend of leaving the range and the probable service cancellations in the next 5 to 10 years will be continued.

3.3.2. Satellite service

Increased interest for the use of the satellite systems, satellite stations for the purposes of the two-way satellite broadband communication for Internet access. Trend is recognizable for the ranges which are not subjected to individual licencing. Increased interest for the service provision via mobile satellite service is continued also in 2020. Increased interest has prompted the preparation of the assessment of the usage of the range X, C, Ku and Ka for the needs of the satellite communications in BiH and the possibility of implementation of ECC decisions. After the performed analysis, the ECC decisions (05)01, (13)01 and (15)04 were implemented and they relate to the use of the non-geostationary satellite services by the terrestrial stations on the mobile platforms in Europe. The range is analysed which is intended for the satellite communications and for the application of the amendments of the Decision 18-05 and 17-04 for NGSO FSS. The implementations of the decisions and the use of mobile and fixed satellite services are united through the Plan of intention and use of RF spectrum. After the previous analysis, it is also prepared the sent response to the firm Inmarsat that relates on the use of RF range 17,7-19,7 GHz and 27,5-29,5GHz for the purposes of use of satellite stations on the mobile platforms.

During 2020, the technical conditions of the licence were withdrawn for Televizija Jedan d.o.o. – O kanal in the procedure of resolving of the new requests for issuing the licence in the satellite service. The requests are processed for the two new licences for the terrestrial satellite stations in Ka range, submitted to the Licences and Fees Sector.

Due to limitations of the movement, conditioned by the pandemic, during 2020 there were no temporary licences for the portable satellite stations (SNG).

After the pre-actions started in the previous years and after the analysis of the manner of application MSS/CGC systems in the range of 2 GHz of the firm Inmarsat that relates on the European aviation network EAN (European Aviation Network) which is the integral part of Inmarsat's broader global aviation network and in March it is issued the licence for CGC MSS for EAN network in the range from 1980 to 1995 MHz / 2170-2185 MHz as well as the licence for the station of the terrestrial complementary component CGC in the mentioned range.

3.3.2.1. BSS and FSS plans

During 2020, the award of the channels is actuated for BSS and FSS services as for the application for the new orbital position in accordance with the procedures of the final acts of the World Radio conferences WRC-19.

The most significant activities:

- In April, it is initiated the procedure of application of the new orbital position after the guidelines of Radiobiroa of ITU for the award of the new BSS and FSS plan for BiH.
- On the basis of the conclusions of the World Radioconference of WRC-19 and adopted ITU Resolution 559 to the individual countries among which BiH was enabled the application of the new orbital position due to degradation of the existing. In the month of May is completed the procedure of the application of the new orbital position on 26W in accordance with the procedures of the ITU Radiobiro for the award of the new BSS plan. The preparation and application are performed in the specialized ITU software along with the defining of the technical parameters prescribed by the ITU International Radio Rulebook. On the basis of the reported, it is awarded 10 channels (1,3,5,7,9,11,13,15,17,19) for the downlink and 10 channels (1,3,5,7,9,11,13,15,17,19) for feeder link. During the application, the given time limitations are respected. Also, it is submitted the request for the new channels and the plan of the fixed satellite service FSS in accordance with the part AP30B ITU RRa.
- In BRIFIC 2932 are published the data for satellite network of BiH at the new orbital position 26W whereby is started the four-month period of the international coordination for this network after which it will follow the two-year process of the further network coordination. In accordance with ITU resolution of 559 conference WRC-19, after the implemented procedure of obtaining of the new orbital position, we have received a memo from Radio Biro with the new technical parameters as the confirmation of the successful application.

3.3.3. Mobile service

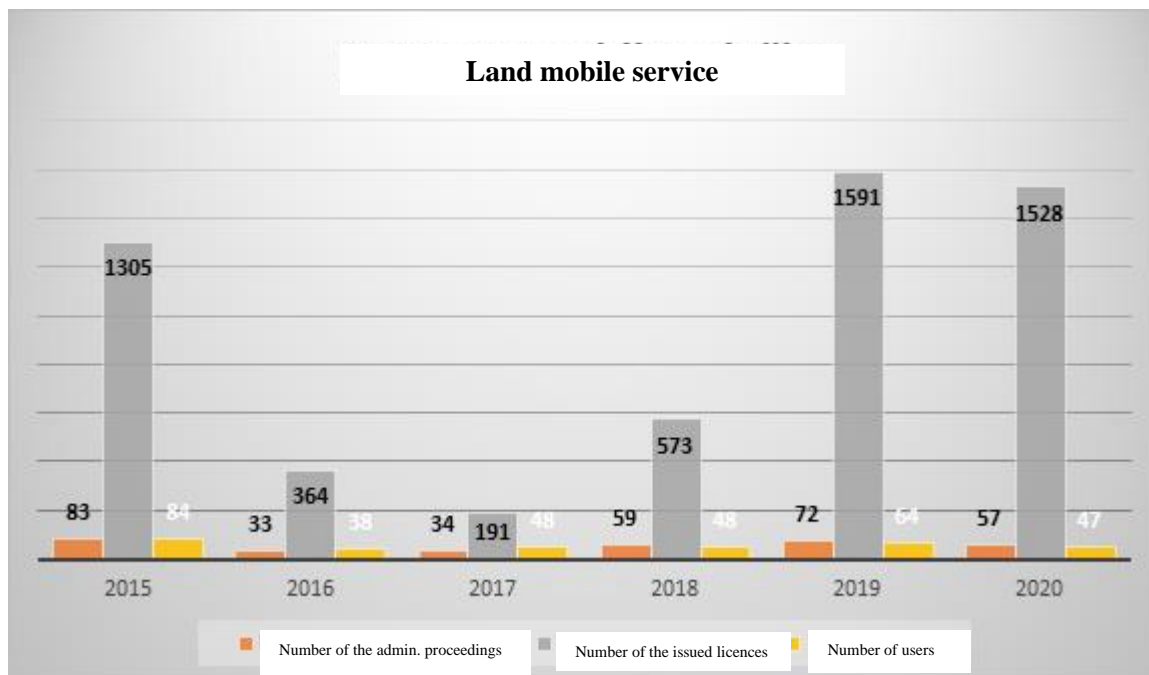
Activities in the mobile operators' networks

Consents for the use of the block of the size 100 MHz in the range from 3,4-3,6 GHz for the purposes of testing of 5G technology within the area of the Economic Fair in Mostar are issued to the mobile operators' PC HT d.d. Mostar and BH Telecom d.d. Sarajevo

3.3.3.1. Land mobile service

In 2020, the activities are continued for the necessities of the land mobile service that include the analysis, planning and issuing of the licences harmonized with the Rule 50/2010 on the use of the range 29,7-68 MHz, 68-87,5 MHz, 146-174 MHz, 380-399,9 MHz, 406,1-430 MHz, 440-470MHz, 862-876MHz, 915-921MHz for PMR/PAMR. The greatest part of the activities on the licencing of the users is performed in the ranges from 29,7 MHz to 470 MHz in accordance with the harmonized usage which is prescribed by the reference ECC T/R 25-08. In approx..60 initiated proceedings in 2020, it is issued 1500 licences for approx. 50 users.

Figure 11. Dynamics of licencing fro the land mobile service in the period from 2015-2020



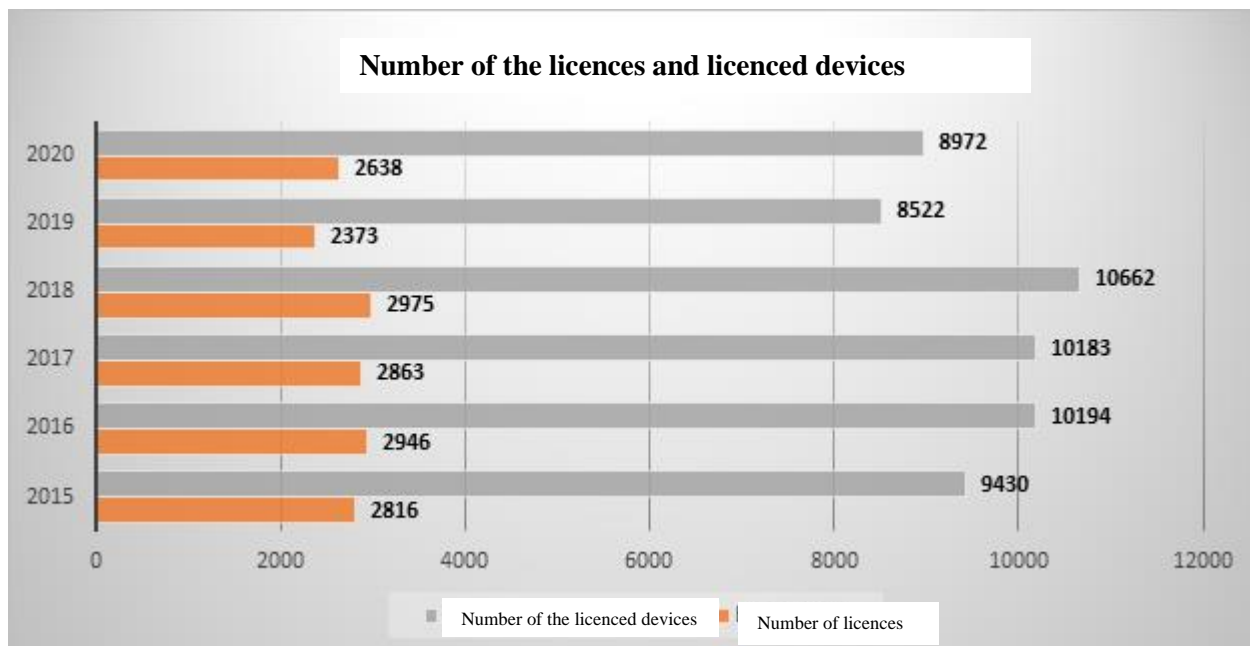
In Figure 11 is displayed dynamics of the licencing for the land mobile service in the period from 2015 to 2020.

Uneven number of the issued licences by the years is the result of issuing of the licences in the five-year cycles in accordance with the prescribed duration of the licences on the period of 5 years.

In conclusion with the end of 2020, in the database of the Agency is located 2 380 active licences that include 8 520 licenced radio devices in the area of the land mobile services.

In Figure 12 is given the comparative display of the number of licences and licensed devices at the end of 2015, 2016, 2017, 2018, 2019 and 2020.

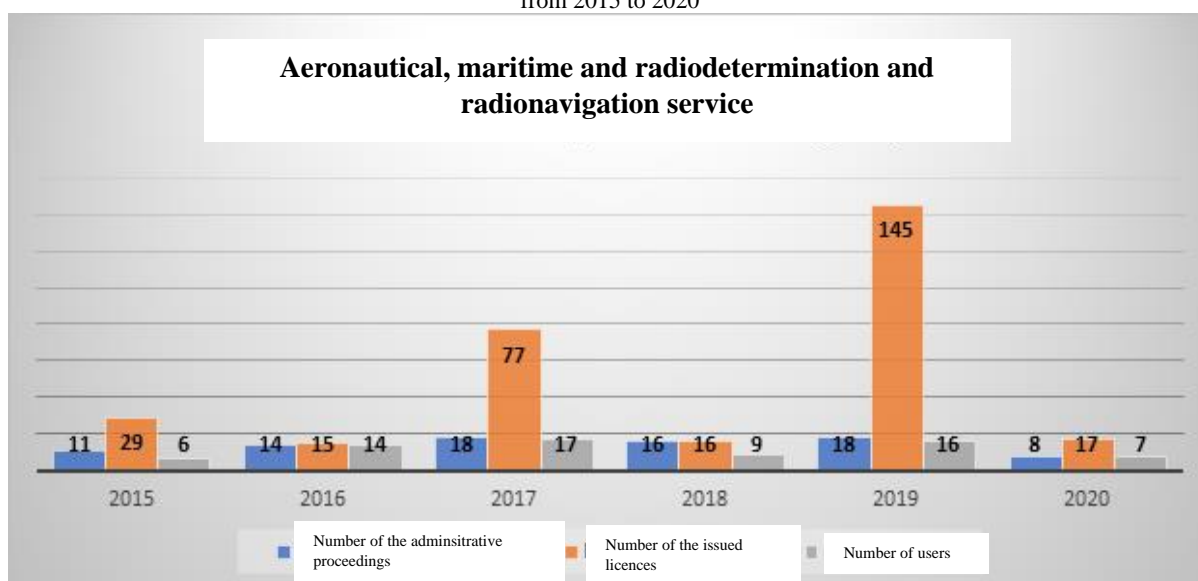
Figure 12. Number of licences and licenced devices in the area of the land mobile service in 2015, 2016, 2017, 2018, 2019 and 2020



3.3.4 Aeronautical, maritime and radiodetermination and radionavigation service

In 2020 was initiated 8 administrative proceedings and it is issued 17 licences for 7 users. All administrative proceedings are initiated at the request of the users. In Figure 13 is displayed the dynamics of licencing in the period from 2015 to 2020.

Figure 13. Dynamics of licencing for the aeronautical, maritime and radiodetermination and radionavigation in the period from 2015 to 2020



3.3.4. Radio diffusion service

3.3.5.1. Analogue diffusion – radio

Public call is completed for the award of the available radio frequencies.

A better usage of the awarded resources approved for the stations: RTV KISS d.o.o. Mostar, BIG in Gradiška zone, K3 in Potočani zone.

It is registered the change of the name for the Radio studio N d.o.o. Livno in Radio Mangko and RadioN-Joy in Radio S.

It is performed the amendment of the technical conditions of broadcasting for Radio Slobomir in Zvornik zone, Radio M in Sarajevo and Banja Luka zone, Radio BIG in Prijedor and Krupa na Vrbasu zone, Tomislav in Tušnica zone.

It is awarded RDS PI code for “Radio Vlasenica” and the changed PI code for “Radio M” Sarajevo and K3 Prnjavor.

Requests of Radio Padrino and Radio Birač are refused for the extension of the service zone.

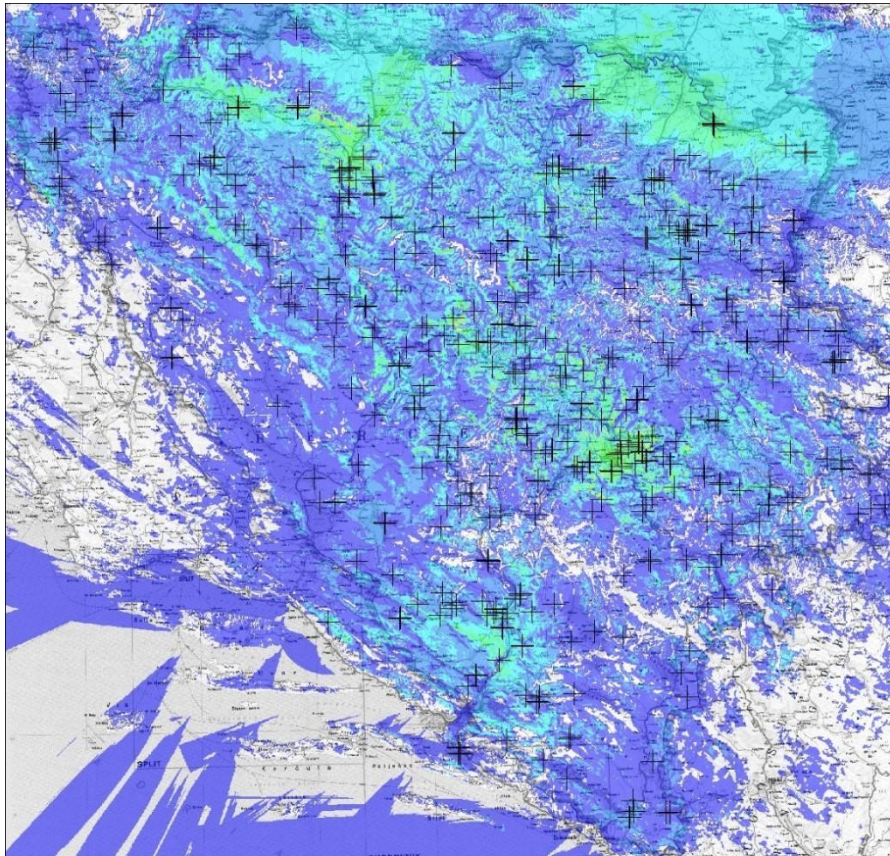
The request was refused for the refund of the frequency to the station Radio BIG.

Meetings are held with the representatives of the five radio stations (BIG, Kontakt, Hard Rock Radio, Radio Kozara and Radio K3) on which it was responded on the station’s inquiries concerning the realization of the frequency resources.

3.3.5.2. Analogue radio diffusion – TV

Although, by the Agreement GE-06, it is anticipated a complete extinguishing of the analogue television on 17 June 2015, the television stations have continued with the analogue radio diffusion. In the following Figure is given the overview of the current analogue broadcast in BiH.

Figure 14. Simultaneous coverage of the analogue TV stations which are still in progress



Currently in BiH operates closely to 750 analogue TV transmitters. Their operation is not in accordance with the international agreement GE06 from 2006. In this respect, these transmitters represent the sources of the possible disturbances in BiH and the neighbouring countries and limit the introduction of the new services. Analogue broadcasting of TV has caused harmful interference in the neighbouring countries from which are received the complaints. Complaints are resolved by the temporary extinguishing or the modification of the broadcast parameters.

3.3.5.3. Medium wave radio diffusion

During 2020, there was no modifications in the technical requirements of the licences for the use of the medium wave frequencies and therefore, technical annexes for the medium wave radiostations are still on force: Zavidovići – 1503 kHz, Banovići – 792 kHz and BHRT for the medium wave transmitter 612 kHz – Donje Moštre, which does not work until April 2010.

3.3.5.4. Digital radio diffusion – TV

During 2020, it was not marked a shift in the transfer from the analogue to the digital terrestrial broadcasting. Deadline for the transition to digital terrestrial broadcasting and extinguishing of the analogue television signal was on 16 June 2015.

On 10 May 2010, the Agency issued the Decision by which the Public RTV services are given the right and obligation to start the digital terrestrial broadcasting of their own television programmes at the territory of the entire BiH.

The Council of Ministers of BiH, on 20 December 2016 issued the Decision by which, it is anticipated the application of DVB-T2 standard and the Public RTV services of BiH is awarded also MUX B. After the conducted public call, on 1 November 2019, the Agency awarded the Licence for the usage of RF spectrum for providing of the services of management of the electronic communication network in the digital terrestrial broadcasting in BiH – MULTIPLEX C, to the legal entity “MULTIPLEX SERVICE BH” d.o.o. Sarajevo. Upon the request of the user of the licence, the Agency approved the extension of the deadlines for the start of providing of the services from the Licence for the additional 180 days. Before the expiry of this deadline, the Agency requested from the users of the licence the explanation on the readiness for the fulfilment of the conditions of the licence on which the information is delivered that there are still certain difficulties in the procurement of the broadcasting equipment.

3.3.5.5. Replanning of VHF III range

By the Geneva plan GE06, at the territory of BiH in VHF III range of 174-230 MHz, it is anticipated one television coverage (DVB-T) and three radio coverage (T-DAB). It is initiated the process of replanning of this range by the member countries of the European Union in accordance with the new technologies and principles of planning. Replanning for BiH is simultaneously performed in two groups: “Adriatic” made by ALB, BiH, GRC, HRV, ITA, MNE and SVN and in group “SEDDIF” made by AUT, BiH, BLG, HNG, HRV, ROU, SRB, SVK, SVN.

The planning of the digital broadcasting in VHF range 174-230 MHz complicates the continuance of the analogue broadcast in that range.

3.3.5.6. Procedures of establishing of the violations of the Law on Communications, conditions of the issued licences and regulations of the Agency

During the first three quarter of 2020, the verifications of the controls of RF spectrum are not performed by the request of the other areas of operation. Controls are performed only for the necessities of the radio planning and preparation for the issuing of the licences for PMR services. In the third quarter, the emphasis is put to the periodical and announced, that is, regular control of the broadcasting equipment and radio spectrum ex officio in the Radio communications area. The opening of the procedures ex officio for the violation of the technical requirements of the licence in the public transmission is the consequence of the changes of organization and implementing of the Rules on licences in radio communications. In the third quarter is recognized the need for the periodical control and by the reorganization of the business processes are realized the prerequisites for the verification of compliance with the technical requirements of the licence, opening and management of the administrative proceedings ex officio.

Although, it was recognized a large number of irregularities during the regular control, there is a small number of the imposed executive measures, which is the consequence of the fact that nearly all infringements were recognized for the first time, because periodical reviews were not implemented earlier.

Two measures are implemented until today. One is related on the use of the radio link without the previously issued permit. The user then asked for and obtained the licence for the programme power supply. The other is related on the technical non-tolerant usage of the radio spectrum from the dominant and particularly dominant and particularly delicate location Vlašić. From the Vlašić location is transmitted with great force and therefore the observed irregularity had a serious importance for the meeting of the international obligations of BiH in the international coordination.

Until the conclusion of the report, it is performed around 160 direct controls of the technical requirements used by 60 users. On the basis of these results, it is initiated approx. 60 administrative proceedings of establishment of the violations of the technical requirements for transmission.

Until the end of the reporting period, of approx. 60 opened procedures ex officio it is regularly finalized 20 cases for which the users are sent decisions.

From the introduction of the regular periodical control, it is not reported not even one disturbance which the FM stations make in air-traffic, while to the Agency is reported 5 -10 damaging disturbances a year.

The most frequent infringements are related on the non-compliance of the current state of the antenna emission equipment with the awarded technical requirements, excess of radio spectrum occupancy by using the deviations greater than the technically tolerant and the mismatch of the emitted power with licence requirements.

3.3.5. Amateur radio service

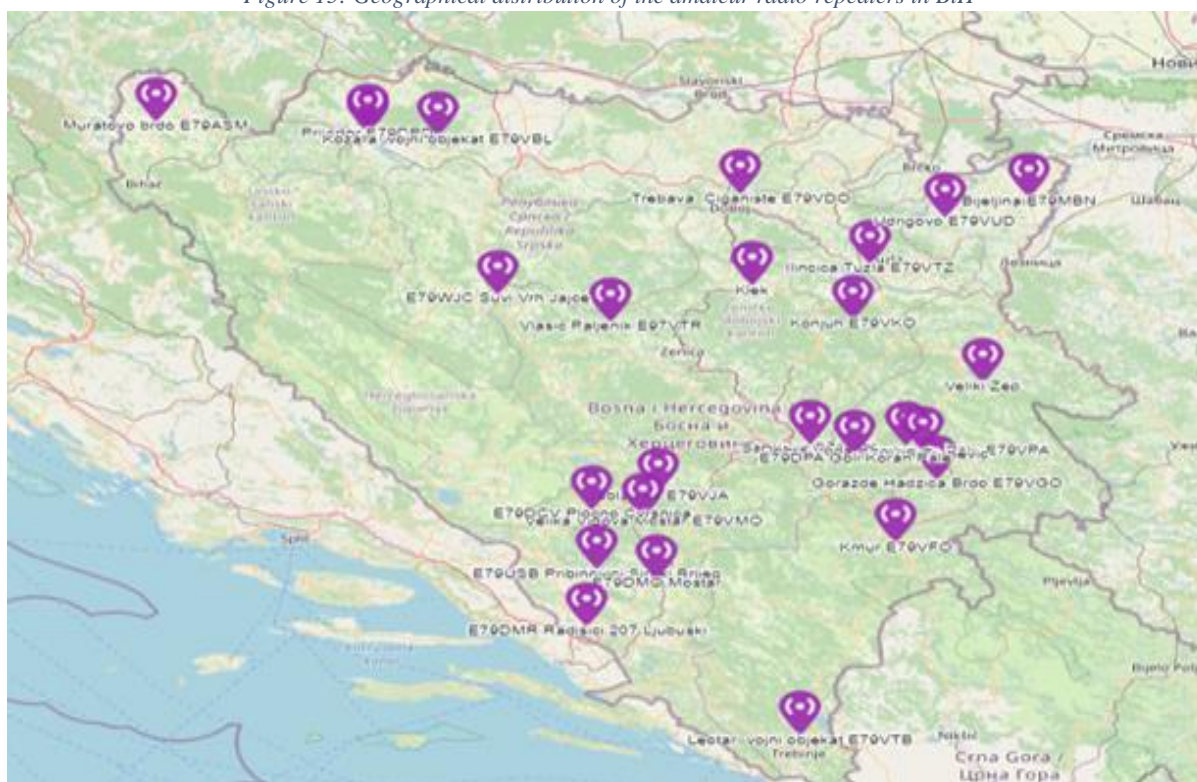
In the reporting period, the Agency issued 552 licences for the new amateur radio signs and it is registered 250 new amateur radio devices.

The Agency has also issued 10 licences for the special and competitive amateur radio signs as well as 3 HAREC certificates for the citizens of BiH with the residence abroad.

On the basis of the Rules 28/2007 on the amateur radio service, it is issued the decisions for 2 one letter amateur radio characters and 10 licences for repeaters with the schedule graphically represented on a figure.

By the end of the reporting period, it is adopted the Rule number 92/2020 on the amateur radio service. By this rule is amended the duration of the award of the sign. Once awarded character should not be restored. The validity of the awarded sign may be verified on the web-page of the Agency. The second most significant novelty of this rule is harmonization of taking the amateur radio exam for all amateur radio operators. Amateur radio equipment is not subject to mandatory registration but the registration is still possible upon the request of the users.

Figure 15: Geographical distribution of the amateur radio repeaters in BiH



International frequency coordination

3.3.6.1. International coordination - terrestrial

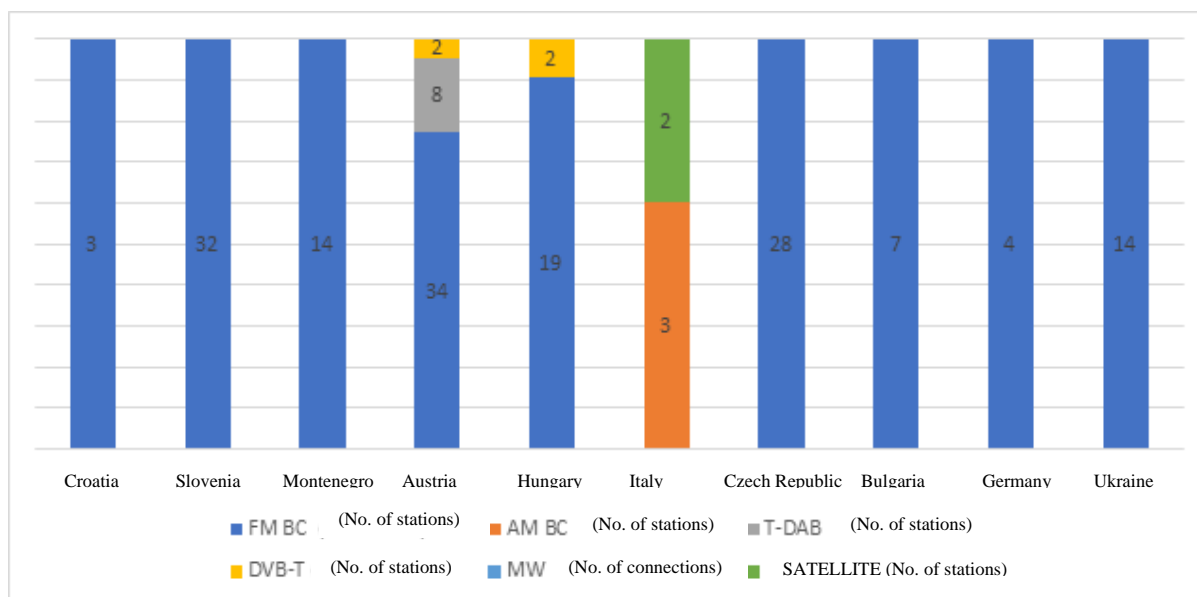
For the purpose of securing of the equal rights to the RF spectrum access as the limited natural resource, international coordination of the radiofrequency is one of the basic segments of management RF spectrum. Corresponding documents of the International Union for Telecommunications (ITU) and the Conference of the European Administrations for the post office and telecommunications (CEPT) are the basis for the international coordination which is performed on the bilateral, multilateral or regional level. Verification of the compatibility of the work of the stations of the neighbouring countries with the stations on BiH territory and the verification of the compliance of the operation of the stations with the operation of the planned stations of the neighbouring countries and the stations that are put into operation or modify the technical parameters as well as the analysis of the published databases of the stations in the information system ITU-R BRIFIC in the sense of the verification of the joint work without the harmful disturbances are the constant activity of the Radio communications areas. During 2020, the analyses of the BRIFIC numbers are made: from 2911 up to 2936. In accordance with the mentioned, and on the basis of the incoming requests for the frequency coordination and the conducted analyses of the influence on the operation of BiH stations, requests are processed and answers are referred to the neighbouring administrations and ITU as it is displayed in Table 16.

Table 16: Requests for frequency coordination

Administration/ number of stations	FM BC	AM BC	T-DAB	DVB-T	MW	SATELLITE
Croatia	3					
Slovenia	32					
Montenegro	14					

Administration/ number of stations	FM BC	AM BC	T-DAB	DVB-T	MW	SATELLITE
Austria	34		8	2		
Hungary	19			2		
Italy		3				2
Czech Republic	28					
Bulgaria	7					
Germany	4					
Ukraine	14					

Figure 17: Graphical display of the requests for frequency coordination



The Agency has initiated the process of international coordination for 153 FM BC and 3 DVB-T stations.

Radio Birou ITU was also sent a request for the withdrawal of the application of 8 transmitters because the same are no longer in operation and they are not planned to be put in operation again because in the meantime they are surpassed with the other awards.

3.3.6.2. International frequency coordination – satellite service

After the completed analysis of influence on the operation of our stations, it was given a consent to the Italian administration regarding the putting into operation of the satellite station TEMPA ROSSA which communicates with the satellite network ARABSAT 5A-30,5 E and the satellite station MSG-TTC1A1 that communicates with the satellite networks MSG-3.5E, MSG-41.5E, MTG-D1_0E, MTG-D1_3.4W, MTG-D1_9.5E.

Reply was sent to ITU regarding the notification in BRIFIC 2925 AP30/E/835 and AP30A/E/835 of 21 July 2020 that relates on F-SAT-BSS2-88,5E satellite network regarding the inclusion of the territory into the service zone of the satellite network in accordance with § 4.1.10 App 30 and 30 A ITU RR. The reply was also published on e-communication platform of Radio Biroa ITU.

The analyses of the requests of the satellite networks EUTELSAT, YAHSAT and UKFSS 18W for the inclusion into the satellite service zone are conducted. During the period of reporting, the increased number of requests for coordination of the satellite network was observed.

For the protection analysis, the Agency uses “ITU BR space” and ITU-R, SpaceCom, software support that enables the coordination process of BSS and FSS plans, monitoring, analyses and budgetary compatibility of operation of the satellite systems and monitoring of the recommended procedures of ITU-R.

Influence analysis of the published data in BRIFIC space as well as the analysis of frequency coordination procedures for the satellite systems is in accordance with ITU Radio Regulations Appendix 30,30A and 30B.

3.3.6.3. International objections on the harmful disturbances

After the completed analysis and resolving of the harmful disturbances in the competent sector, the replies are referred to the neighbouring administrations for the international objections on the disturbances of AKOS, Slovenia, harmful disturbance to the meteorological radars on the frequency 5618 MHz and the disturbance report to HAKOM, Croatia, for the harmful disturbance on 43 TV channel.

3.3.6.4. International meetings

- Participation on 54th web-meeting of CEPT committee of ECC 16 to 20 November 2020. At the meeting was adopted the series of decisions and reports which directly relate on the operation of the Radio Communications area. During the meeting, the reply was referred regarding the future implementation of the four decisions: Dec (20)02 - Railway communication, Dec (20)01 - WAS and RLAN, Dec (18)06 - MFCN on 26 GHz and Dec (15)04 - ESOMP NGSO FSS – Ka range;
- Participation on the radiocommunication seminar of ITU BR, terrestrial and space which was held in the period from 3 to 7 December 2020. WRS seminar of ITU is held every two years and on the seminar are considered changes in the frequency coordination process via ITU bases;
- Participation on 95th online meeting of CEPT working group WGFM (Working Group Frequency Management) held in Sliemi, Malta in the period from 10 to 14 February 2020
- Participation on 96th online meeting of CEPT working group of WGFM (Working Group Frequency Management) in the period from 8 to 12 June 2020.
- Participation on 97 online meeting of CEPT working group WGFM (Working Group Frequency Management) in the period from 19 to 23 October 2020.

3.3.7. Regulatory documents from the area of spectrum management

Rule – Plan of intention and usage of RF spectrum

Preparations on the update of the Plan of intention and usage of RF spectrum that include analysis of the expanded ranges intended to the fixed and mobile satellite systems in accordance with the conclusions of the World Radio Conference of WRC-19 and ECA, European table of intention, adopted in November 2020. In this manner, in the Plan of the intention will be united the purpose of all ranges and entered the newest amendments of ITU RR; ECA, of the decisions and recommendations of CEPT and ITU.

By the end of 2020, the Rule 92/2020 on the amateur radio service was adopted, whereby it ceased to be valid the present rule 28/2007 on the amateur radio service.

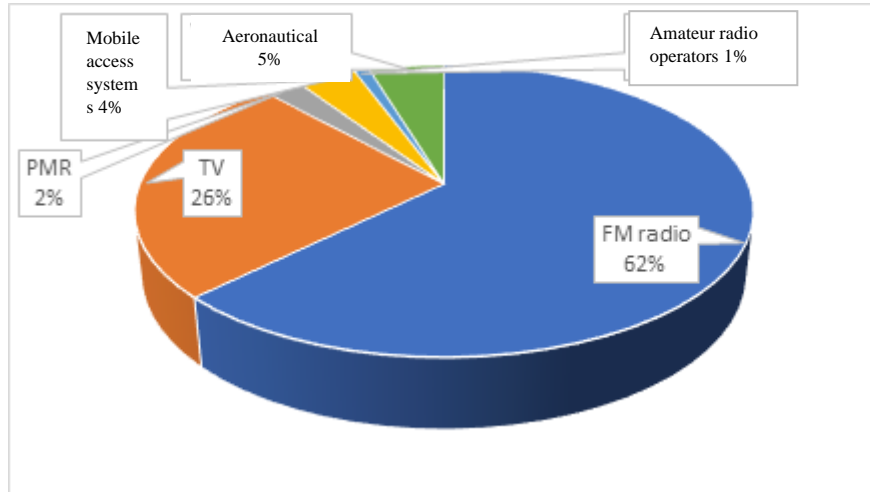
The draft of the Rule on the control and limitation of the maximum allowed intensity of non-ionized radiation was prepared which should enter into the procedure of the public consultations and adoptions during 2021.

3.3.8. Monitoring / supervision of radio spectrum use and compliance with licensing conditions

In this reporting period, 214 active verifications on the field were conducted and subsequently the analytical results' processing.

Share of the activities of RF monitoring according to the type of radio communication service in 2020 is given on the chart displayed on the figure below.

Figure 18. Share of radio monitoring activities according to the type of radiocommunication services in 2020



During October 2020, it started the intensive activity of RF monitoring and immediate control of the technical parameter's holders of the licences for the provision of the audio and visual media services and radio media services which provide the services via terrestrial radio diffusion.

Until 31 December 2020, the subject of control was 60 licence holders with 141 accompanying licence, that is, technical condition for broadcasting. In the campaign was performed the control of the emission locations on the area of: Sarajevo, Banja Luka, Konjic, Kiseljak, Zenica, Travnik, Bijeljina, Trebinje, Bileća, Stolac, Doboje and Mostar. During this cycle, it is performed more than 450 sets of measurements of the broadcasted signals. Periodical measurements of the other emission locations and the verification of the previously performed controls are also continued in 2021.

3.3.9. Monitoring stations' network in BiH

At the start of 2021, the procedure for the public procurement of the services of the current maintenance of radio monitoring stations network. When the procedure of contracting and maintenance is finalized, the Agency shall continue the activities of the current supervision of the RF spectrum in the full capacity.

In the concerned period, the activities on the realization of the project of the construction of the sensor network are initiated with the purpose of the increase of the capacity of the Agency for the measurement of occupancy of the radio-frequency spectrum, interference detection and geolocation of emissions.

When it is in function, the equipment will significantly reduce the time of the harmful disturbances' detection, geolocation of the sources of the disturbances, their removal and finally more successful work of the licenced operators and the users of the radio spectrum.

Previously initiated activities on the realization of the procurement and system installation project of 28 sensory units for the control of the non-ionized electromagnetic radiation will significantly improve the existing system for verification of honouring of the limitations of the value of the certain sizes of electromagnetic field.

Sensory units are transferable and enable to be positioned on the locations for which there is a public interest. As the first priority are selected elementary schools, housing estates or other areas where it is suspected that they endanger the quality of life.

Collected information will enable better protection of the human health from the action of the non-ionized electromagnetic field, better information of the population and to reduce the number of prejudices due to the wrong and non-professional information on the influence of the radio emissions on the quality of life of the people.

With the realization of these activities, the Agency will increase the capacities of the control, transparency and more efficient conduct of the affairs from its competency.

3.3.10. Regulations in the area of measurement and control

Within the framework of the regular affairs, the processing and verification of the incoming statements on the fulfilment of the requirements on the limitation of the electromagnetic radiation of the licence holders according to the Rule 37/2008 on the limitation of the emissions of the electromagnetic fields (Official Gazette of BiH⁹, number 80/08). In the mentioned period, it is performed the issuing of more than of 100 certificates on the fulfilment of the conditions on the limitation of the electromagnetic radiation for the licence holders of the Agency.

Considering that for the Rule 37/2008 on the limitation of the emissions of the electromagnetic radiations was necessary to perform the compliance with the domestic and international standards, recommendations of the relevant European institutions and organizations and the positive practice of the European countries which in its legislation successfully implemented mentioned standards and recommendations, a new regulation was drafted. By the rule are prescribed special conditions of the use of the immobile radio stations which transmit a radio signal in RF range of 9 KHz -300 GHz in the manner to limit the exposure of the population to the electromagnetic fields with the purpose of the protection of their health.

The application of the regulations and informing of the population on the manner of action of the non-ionized electromagnetic field in RF range will enable a better quality of life and the protection of health from the unnecessary RF field.

3.3.11. Compliance control of licensing conditions

Activities of the compliance control of the licencing conditions of the licence users mainly for the cable distribution are the regular activity which in the last quarter of 2020 was focused on the periodical verification of the operation of the users.

In the first three quarters, the control was performed exclusively by the assignment of the other areas. As the other areas did not formally request the verification with the users, during the last quarter, it has started the preparation for a systematic periodical verification with the timely announcement of the verification. The other part of the verification is the control of the quality and the content at the end user which is in rule without the knowledge of the licence user. The intention is that the results of the verifications are constantly available to the competent areas and that the extraordinary, unannounced controls are reduced on the necessary minimum.

Subject of the periodical control includes a large number of documents and service sampling. Due to nature and scope of the activities of the preparations for the visit to the users is demanding. Focusing on the regular controls and the width of the subject of the control demanded an additional training for the staff which is implemented in this period. It is anticipated that the control includes the respect of copyrights, respecting of the users' contracts, obligations that derive from the regulations.

Activities conducted during the last quarter of 2020 included:

- Training for harmonization of the procedure of verification and writing of the reports,
- Planning of the procedure during the visit to the licence holders,
- Preparation of the necessary standard correspondence toward the users,
- The selection of the priorities, the announcement of the visits, harmonization of the terms and accompanying logistics,

- The visit to the users and the active verification of compliance with the general and special conditions of the licence at the spot,
- Verification of the compliance of the orders, instructions, issued by the Agency,
- Verification of the distribution and identification of the possible unallowed service provision,
- Recording of the samples of the programme for the needs of the later analysis and similar.

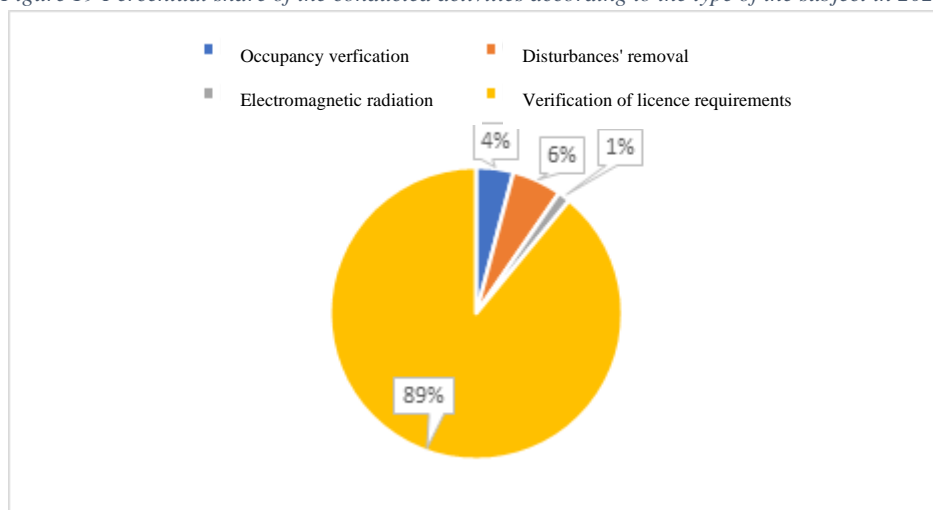
During 2020, it is performed 10 announced regular controls, all in the last quarter.

Planning and preparation of the technical means for sampling, recording and remote review of the sampled programme is in process. This equipment will serve for the periodical announced controls and for the unannounced controls according to the need. It is planned the sampling of the content for the analogue TV and audio content which is distributed by the cable or terrestrial transmission.

During 2020, Sector for monitoring and the control of compliance of licence conditions realized the activities independently and in the cooperation with the other organizational units of the Agency.

Summary overview of the activities according to the type of the subject is displayed on the chart (Figure 19).

Figure 19 Percentual share of the conducted activities according to the type of the subject in 2020.



3.3.12. Other activities

Update of the coordination of the usage of RF range intended for the military and safety structures is a significant activity which was initiated during 2017. To the initiative of the Agency, the meeting was held with the representatives of the Ministry of Defence of BiH on the topic of the usage of RF range managed by the Ministry of the Defence of BiH. At the joint meeting with the Agency held at the end of 2020 is defined and confirmed the necessity that in 2021 is approached to the update of the Agreement on the normalization which is in force from 2002 and the need of the more frequent coordination of the need of RF spectrum. The agreement from 2002 is the part of the radio spectrum resource coordination between SFOR and the Agency and in accordance with the present Action Plan for the drafting of the Communication Sector Policy.

3.4. FIELD OF GENERAL LEGAL AND FINANCIAL AFFAIRS

3.4.1. Data on the realized revenues

Total realized incomes of the Agency for the period from 1 January to 31 December 2020 is BAM 10,376,482. Part of these revenues in the total amount of BAM 7,153 was paid for PRT and according to the Law on Communication does not represent the revenues of the Agency. The other part of these revenues, in the amount of BAM 10,369,329 represents its own interests of the Agency which are paid to the transaction account of the Agency.

Total realized revenues in 2020 are less from the total realized revenues in 2019 for BAM 226,132. This is the consequence of the reduced rate for the calculation of the annual fee for the licences in broadcasting for 2020 with 0.50% to 0.25% of the total realized revenues of the users of the licences in the fiscal 2019, realized on the basis of the conducting of the activity of provision of the audio-visual media services and provision of the radio media services and on the basis of the Decision of the Council of the Agency (Official Gazette of BiH, number 22/20).

In the Review are not included the paid revenues on the basis of the fee for the use of radiofrequency spectrum and the fines because the same represent the revenues of the Budgetary institutions of BiH and are paid to the Treasury Single Account. Revenues on the basis of the fees for the use of the frequency spectrum are realized in 2020 and are BAM 23,777,760, that is, 111.11% in comparison to the plan.

Revenues from the fines are realized in the amount of BAM 45,500 and are less for BAM 48,842 in comparison to the realized revenues on this basis in 2019.

3.4.2. Data on the realized expenditures

The total realized expenditures of the Agency in 2020 is BAM 11,870,580 on which on the expenditures of the general consumption is referred the amount of BAM 6,477,780 while on the expenditures of the programmes of the special purpose which are financed from the accumulated surplus of the revenues over the expenditures by the special decisions of the Council of Ministers of BiH refers the amount of BAM 5,392,800.

Expenditures of the general consumption which are financed from the Budget of the Institutions of BiH and the international obligations of BiH for 2020 are realized in the percentage of 91.5% in comparison to the planned and approved expenditures in the Law on the Budget of the Institutions of BiH and the international obligations for 2020 (Law on the Budget). Index of the realized expenditures in comparison to the annual plan of expenditures at the Current spending is 90.6% and at the Capital spending 98.8%.

Minor expenditure executions of the general consumption in comparison to the approved expenditures in 2020 are the consequence of the continued activities on the creation of the savings in the Agency, particularly on these types of costs on which it could be directly influenced.

Spent funds for the travel expenses of the general consumption in 2020 were BAM 53,929. In comparison to the planned and the approved funds in the budget for these intentions, the realization of these costs is less for BAM 129,071, that is, it is 29.5% in comparison to the planned expenditures what was affected by the COVID-19 pandemic and the inability to participate on the planned conferences, seminars, working meetings and similar. In comparison to the realized expenditures for the travel costs in 2019, the realization in 2020 is less for 81.1%.

The percentage of the execution at the position Expenditures for the current maintenance is 27.3% in comparison to the approved expenditures of the general consumption, that is, 88.8% in comparison to the previous year. The biggest deviations occurred in the positions of the material and the service for the repair and maintenance of the equipment due to which in 2020 there was no realization of the services of the current maintenance of the special monitoring equipment (annulled procedure).

During 2020, it is completely honoured the limitations in the consumption prescribed by the rulebooks of the Council of Ministers of BiH.

The total number of the employed persons at the end of the reporting period was 125.

3.4.3. Audit of the material and financial operations of the Agency

Internal audit in the Agency conducts the Unit for the Internal Audit of the Ministry of Communications and Traffic of BiH. During 2020, the audit of the fee calculation for the use of the radio frequency spectrum is conducted.

According to the Report on the Financial Audit of the Agency for 2019 of the Office for the Audit of the Institutions of BiH, financial reports of the Agency depict fair and true, in all material aspects, the state of the property, obligations and sources of funds on the day of 31 December 2019 and the execution of the budget for the year that is completed in the mentioned date and in accordance with the accepted framework of the financial reporting.

Along with the audit of the financial statements of the Agency for 2019, it is also completed the audit of the compliance of the activities, financial transactions and information with the relevant laws and other regulations. The office for audit of the financial operations of the institutions of BiH could not confirm the legality of the procedure of the performed placement of the employees and conclusion of the labour contracts after the issuing of the new rulebook on the internal organization and systematization of the work positions of the Agency and in that section, it gave the opinion with reserve on the compliance.

Table 17 OVERVIEW: Realized revenues by the sources from 1 January 2020 until 31 December 2020

		Economic	Planned	Rebalance	Corrected	Realized	Index
Or.No.	Source of income	code	incomes for 2020	(+,-)	plan (4+,-5)	in the current period	(7/6)
			Rebalance				
1	2	3	4	5	6	7	8
1	Other incomes from fin. and non-material property	721219				1,602	-
2	Income from positive exchange rate differences	721511				49	-
3	Incomes from requests, appeals and other submissions	722101				1,150	-
4	Incomes from appeals against the resolution	722102				180	-
5	Incomes from res. for which it is not prescribed spec.fee	722103				4,150	-
6	Incomes from the issued certificates	722104				0	
7	Incomes from authentication of signatures and stamps	722105				45	-
8	Fees from the broadcasting licences	722501	350,000		350,000	292,165	83%
9	Fees from the lic. for fixed telephony operator	722502	8,700,000		8,700,000	8,948,460	103 %
10	Fee for adm.-tech. requests processing	722503				65,265	-
11	Fees for licen. in radio comm.	722504	1,030,000		1,030,000	1,027,099	100 %
12	Fee for licen. of Internet access provider	722505			68		
13	Fee for licen. of elec.-comm. networks' operator	722506					
14	Fee for lic. of mob. comm. operators	722507					
15	Fee from lic. for blocks in	722508					

	mob. network						
16	Fee from lic. for provision of aud.visual media services	722509					
17	Fee from lic. for non-geog. and sh. numbers	722510					
18	Fee for lic. for blocks in fixed telephony	722511					
19	Fee from lic. for providing fixed-telephone services	722512					
20	Fee from lic. for TV broadc. el.-comm. network	722513					
21	Fee from licen. for providing services on UMTS	722514					
22	Fee by the Law on Freedom of Access to Information	722577				28	-
23	Other incomes	722791				24,100	-
24	Fines for infringements	723104				1,600	-
25	CRA-Income from penalties for infringements	723107					-
26	Receipts from sale of the traffic vehicles	811114				10,589	-
UKUPNO			10,080,000		10,080,000	10,376,482	103%

Table 18. OVERVIEW: Execution of the expenditures by the economic categories from 1 January 2020 to 31 December 2020

Or.no.	Type of expenditure	Economic code	Budget for 2020	Amendments: Decisions of C of M, restructuring (+,-)	Corrected budget (4+,-5)	Realized amount of expendit.1 Jan. to -31 Dec.	Index (7/6)
1	2	3	4	5	6	7	8
I	Current costs		6,260,000		6,260,000	5,670,872	90.6%
1.	Groos salaries and fees	6111	4,550,000		4,550,000	4,515,751	99.2%
2.	Fees of employees' costs	6112	428,000		428,000	408,248	95.4%
3.	Travel expenses	6131	183,000		183,000	53,929	29.5%
4.	Expenses of the telephone and postal services	6132	116,000		116,000	93,426	80.5%
5.	Expenses for energy and utility services	6133	116,000		116,000	85,487	73.7%
6.	Material procurement	6134	75,000		75,000	43,585	58.1%
7.	Expenses for transport and fuel services	6135	54,000		54,000	20,784	38.5%
8	Renting of the property and equipment	6136	95,000		95,000	76,155	80.2%
9	Expenses for current maintenance	6137	290,000		290,000	79,034	27.3%
10.	Exp. of ins. of the bank. ser. and pay. operations	6138	70,000		7,000	56,442	80.6%
11.	Contracted and other special services	6139	283,000		283,000	238,031	84.1%
II	Capital expenses		817,000		817,000	806,908	98.8%
1.	Procur. of buildings	8212	80,000		80,000	77,583	97%
2.	Equipment procurement	8213	571,000		571,000	564,372	98.8%
3.	Proc. of fix. assets in the form of the right	8215	166,000		166,000	164,953	99.4%
III	Special purpose progr.			9,644,540	9,644,540	5,392,800	55.9%

1.	Acc. Separat. and cost accoun. methodology	0704180		304,174	304,174	70,200	23.1%
2.	Control and verific. of the comliance of licence cond. and benchmarking of mob. networks in BiH – Mobile networks	0704190		1,500,000	1,500,000	1,462,669	97.5%
3.	Measuring of the quality of broadband Internet access in BiH	0704200		103,681	103,681	103,336	99.7%
4.	Centralized system for monitoring of the num. of service users with all cable operators	0704210		1,100,000	1,100,000	-	-
5.	Information system for electronic monitoring of netw. resources and licence users in telecomm. at competent inst. of geographical inform. system (GIS)	0704220		650,000	650,000	-	-
6.	Children's protection on Internet in the systems of licen. users of the Ag.	0704230		450,000	450,000	-	-
7.	Centralized DMS system (Document Management System)	0704240		300,000	300,000	-	-
8.	Construction of the sens. network for covering of urban env. in big cities in BiH for the meas. of the occup. of the radiofreq. spectrum, detect. of	0704250		2,000,000	2,000,000	1,854,450	92.7%

	interference and geolocation of the sources of emission						
9.	Control of the level of non-ionized electromag. rad. for the purpose of protection of people	0704260		1,986,685	1,986,685	1,902,145	96.7%
10.	Creation of the regul. framework for radiofreq. ranges used by drones due to protection of the existing frequency users	0704270		100,000	100,000	-	-
11.	Information system for machine recognition of voices and words in media TV and radio space of BiH	0704280		1,150,000	1,150,000	-	-
TOTAL			7,077,000	9,644,540	16,721,540	11,870,580	71%

3.4.4. Support to legal affairs

- Within the framework of affairs on the coordination of activities towards the Directorate for European Integration (DEI) for the purpose of acting in accordance with the Decision on the procedure of harmonization of legislation of BiH with the *acquis communautaire* (Official Gazette of BiH, number 75/16 and 02/18) and providing of the professional assistance to the organizational units of the Agency which, within the framework of its competence approach to the creation of the new regulation which is harmonized with the *acquis communautaire*, it is conducted the coordination on harmonization of the one rule of the Agency and correspondences within the Agency as well as with the Directorate for European Integration regarding the creation of the Draft of the Rule on Limitation of Action of the Electromagnetic Field and the Draft of the Rule on Adoption of the Methodology of the Accounting Separation and Cost Accounting as well as the Draft of the Methodology of the Accounting Separation and Cost Accounting.
- In 2020, within the framework of the activities in the procedures by the complaints of the end users from the telecommunications area 267 cases are received, 331 official acts are created and 242 cases are completed.
- From the activities on the preparation of the assemblies of the Council of the Agency and in connection with the sessions of the Council of the Agency, Sector for Legal Affairs participated in the preparation of 6 from the total of 8 held sessions of the Council of the Agency, namely 4 are regular and 2 extraordinary sessions, held via e-mail in the framework of which: it prepared and delivered the material for the sessions to the members of the Council, prepared the drafts of the agenda and minutes of the relevant sessions, processed 17 appeals, prepared 12 legal explanations by the appeals for consideration to the Council in the second instance and in accordance with the issued decisions of the Council prepared 8 drafts of the second instance decisions, participated in the operation of the commission of the Council of the Agency for establishing of the ranking list of the candidate for the Board of Directors of the BHRT from the Bosniak, Croat and Serb people as the technical and legal support.
- By the requests of the organizational units of the Agency regarding the issues of the application of the law and other regulations as well as in the most complex legal issues from the competence of the Agency, Sector for Legal Affairs has given two (2) legal opinions.
- Within the framework of the activities on the provision of the professional assistance to the organizational units of the Agency regarding the methodological uniformity in the creation of preliminary draft of the rules and other general acts, Sector for Legal Affairs has conducted the preparation, review and nomotechnical processing of the two preliminary drafts, that is proposals of the rule and 28 different internal regulations and other acts. In accordance with the Rules of Procedure of the Council of Ministers of BiH and other acts regarding the creation of the acts adopted by the Council of the Ministers of BiH at the proposal of the Agency was prepared three acts and in connection with it was implemented the prescribed procedure. Likewise, several acts were prepared regarding the conducting of the procedures of the public procurements within the framework of the projects realized by the Agency. In addition to that, in accordance with the Article 9, Paragraph (4) of the Instruction for Implementation and Realization of the Procurements of the Agency, during 2020 was controlled and initialled 38 contracts from the area of public procurements.
- In 2020, 80 proposals were initiated in total for the execution by the decisions on licence fees basis, fees for the use of the radio frequency spectrum and imposed fines in the total amount of approx. BAM 387,243 of which the amount of BAM 34,243 relates on the receivables in the name of the licence fees and the amount of BAM 350,000 relates on the fees for the use of the radio frequency spectrum and on the imposed fines the amount of BAM 3,000.
- The Agency, during 2020, from the total amount of the before mentioned debt, in the executive procedures, in force, collected the amount of approx. BAM 130,500 of which BAM 116,00 in the name of the debt on the basis of the fees for the use of the radio frequency spectrum, BAM 14,500 in the name of the debt on issued licences' fee basis as well as the

amount of BAM 3,693 in the name of the receivables of the statutory interest rate on the unpaid amount of the main debt from the day of the maturity of the obligation until the disbursement of the main debt.

- Within the framework of the operation of the First instance disciplinary committee of the Agency was initiated and finalized one disciplinary proceeding.

4. INDEPENDENT SECTORS

4.1. LICENCES AND FEES SECTOR

Licences and fees sector is a newly-formed sector in the framework of the Agency and it has taken over the affairs of issuing, amendment, suspension, transfer and/or premature termination of the licence usage and which were executed in the framework of the special areas of the Agency until 1 January 2020.

All procedures regarding the issuing, amendment, transfer or premature termination of the licence validation are initiated and guided in accordance with the rules of the Agency that regulate the mentioned procedures. Depending from which area it is submitted the request by which it was acted, the same is forwarded to the area for broadcasting and telecommunications area for professional opinion and on the radio communications area for professional technical analysis and technical requirements' processing. Licences are issued in cooperation with the mentioned areas of the Agency in the part which relates on the licence technical parameters and programme content.

In accordance with the mentioned, it is conducted the calculation of the fee for administrative-technical processing of the requests, fee calculation for licences in accordance with the Rule 89/2018 on the licence fees of the Agency (Official Gazette of BiH, number: 92/18 and 50/19) and point III of the Decision on the amount of rate and the value of the point for the annual licence fee calculation (Official Gazette of BiH, number 86/19 and 22/20) and the calculation of the fee for the use of radio frequency spectrum in accordance with the Decision of the Council of Ministers of BiH on the fee for the use of the radio frequency spectrum in BiH (Official Gazette of BiH, number 15/14).

During 2020, it is initiated 535 administrative proceedings in total, of which 343 proceedings ex officio for the annual fee calculation for the licences of the Agency and 192 proceedings by the request of the party for issuing, amendment or premature termination of the licence validation in the area of broadcasting, telecommunications and radio communications.

Calculation of fees for the administrative and technical processing of the requests was conducted in the framework of the procedures for issuing of the new licences or the amendment of the existing permit according to each request of the party that is subject to the payment of the prescribed fees. On the basis of the issued new licences in 2020, it is performed the fee calculation for the licence from the day of issuing until the end of the current year as well as the fees for using of the radio frequency spectrum in the period of licence validation of those licence holders that are subjected to the payment of the same.

Tea Agency has issued the decision of the licence users by which is conducted the calculation of the amount of the advance payment of the fee for licences from the area of telecommunications and the decisions by which it is conducted the calculation of the amount of the total annual fee for licences from telecommunications area and broadcasting for 2020. Compliance of the payment deadlines of fees by the licence users is continuously monitored by the licence users, established in the resolutions for the annual fees calculation for the licences to the licence users in broadcasting and telecommunications. 36 decisions are forwarded to the Sector for Legal Affairs due to initiation of the procedure of forced collection of receivables before the Court of BiH.

The Sector conducted the annual fee calculation for the relevant licences in 2020 via invoicing order for the licences from the area of radio communications.

4.1.1. Licences

In 2020, Licence Department managed 192 administrative procedures by the request of the party which had the result of issuing 1,763 licences from the area of radio communications, broadcasting and telecommunications. On the basis of issuing of the mentioned licences, it is conducted the calculation of fees for administrative and technical processing of requests and fees for issuing of the licences, that is, it is created 380 individual orders for issuing of invoices. In 2020, it is also conducted

the revocation of the 135 licences.

4.1.1.1. Licences from the broadcasting area

During 2020, the Agency issued new licences for television broadcasting which is performed via terrestrial radio diffusion. In conclusion with 31 December 2020, besides the public RTV services of BiH, it operates 38 users of licence for the television broadcasting conducted via terrestrial radio diffusion.

Besides the public RTV services of BiH, it currently operates 150 users of the General Licence for radio broadcasting of which 2 of them on medium waves. Additionally, in conclusion with 31 December 2020, it operates 3 users of the Licence for a nonprofit radio in total.

Table 19 Total number of users of licence for television and radio broadcasting performed via terrestrial radio diffusion

TV	RADIO			PUBLIC SERVICE (radio and TV)
	General licence for radio broadcasting (FM)	General licence for radio broadcasting (medium waves)	Nonprofit radio	
38	148	2	3	6

In conclusion with 31 December 2020, it operates 66 users of the Licence for television broadcasting performed via other electronic communication networks.

In accordance with the Rule 77/2015 on the provision of the audio-visual media services, during 2020, it was issued 8 new Licences for television broadcasting via other electronic communication networks, while 2 licences ceased to be valid upon the request of the users.

In accordance with the Rule 76/2015 on the provision of radio media services and in conclusion with 31 December 2020, 1 user of the Licence for radio broadcasting operates via other electronic communication networks.

In Table 20, is given the display of the status of users of licence in the area of provision of audio-visual media services and radio media services in 2020 on the basis of the ownership structure of the legal entities' users of licences (private and public).

Table 20. Status of the users of licence in the area of the provision of the audio-visual media services and radio media services (public and private stations)

Status	Audio-visual media services providers		Radio media services providers				Public Service (radio and TV)
	Licence for television broadcasting via terrestrial radio diffusion	Licence for television broadcasting via other communication networks	General licence for radio broadcasting (FM)	General licence for radio broadcasting (medium wave)	Licence for radio broadcasting via other el. comm. networks	Non profit radio	
Public	14	6	66	-	-	-	6
Private	24	60	82	2	1	3	

In accordance with the Rule 79/2016 on licences for the distribution of the audio-visual media services and radio media services, during 2020, are issued two (2) new licences for the distribution of the audio-visual media services and radio media services and 3 licences ceased to be valid upon the request of the user. In conclusion with 31 December 2020, the total number of the users of the licence for distribution of the audio-visual media services and radio media services is 34, of which 27 provides the services via cable (within one user of the licence which provides the services via cable is offered also the service via satellite DTH) and 7 via IPTV platform (within one user of licence which provides the services via IPTV it is also offered the service via DTH platform).

4.1.1.2. Licences from the area of telecommunications

In 2020, the Agency awarded one (1) licence for conducting of the activity of the provider of the fixed public telephone services and at the end of 2020 at the market of BiH acted 12 providers of the fixed public telephone services.

It follows the review of the operators, licence holders for conducting of the activities of the provider of the fixed public telephone services, in conclusion with 31 December 2020.

Table 21. Review of the operators, Licence holders for conducting the activity of the provider of the fixed public telephone services

Or.no.	Name of the operator	Or.no.	Name of the operator
1.	AKT.ONLINE d.o.o. Sarajevo	7.	M&HCOMPANY d.o.o. Sarajevo
2.	BLICNET d.o.o. Banja Luka	8.	TELEMACH d.o.o. Sarajevo
3.	ELTA-KABEL d.o.o. Doboj	9.	TELRADNET d.o.o. Bijeljina
4.	EUROPONET BOSNIA d.o.o. Sarajevo	10.	T3 d.d. Sarajevo
5.	DETEL d.o.o. Sarajevo	11.	SOFTNET d.o.o. Sarajevo
6.	LOGOSOFT d.o.o. Sarajevo	12.	TXTV d.o.o. Tuzla

In BiH operate three licenced mobile operators:

- PC BH Telecom d.d. Sarajevo (BH Telecom);
- Telekomunikacije RS a.d. Banja Luka (Telekom Srpske) and
- PC Hrvatske telekomunikacije d.d. Mostar (HT Mostar).

In addition to the three dominant operators, the other providers of the mobile services have the opportunity to with the conclusion of the commercial contracts provide mobile telephone services with the holders of GSM/UMTS/LTE licences in BiH. In conclusion with 31 December of 2020, at the market of the mobile telephony operate 4 operators. Blicnet d.o.o. Banja Luka which is registered at the Agency in September 2013, Logosoft d.o.o. Sarajevo which is registered in July 2014, Telrad Net is registered in October 2014, DASTO SEMTEL d.o.o. Bijeljina received the Decision on the registration of the provider of mobile services in September 2017 and Novotel d.o.o. Sarajevo in July 2020.

In 2020 are not issued new licences for conducting of the activity of the operators of the public electronic communications network and it is performed the revocation of the 5 licences for conducting the activities of the operators of the public electronic communications networks and the number of the network operators that act at the territory of BiH on the day of 31 December 2020 was 69 operators. In 2020, the Agency did not issue new licences for the conducting of the activity of the provider of the Internet access and it is performed the revocation of 6 licences and there are 60 operators, the providers of Internet access at the territory of BiH, in conclusion with 31 December 2020.

4.1.1.3. Licences from the area of radio communications

In 2020, 196 licences are issued in total, and it was cancelled 109 licences for the microwave links in connection with point – point. Under the activities on licencing of MMSD system in the range off 11,7 -12,5 GHz, in 2019 are issued the decisions on the termination of the licence validation for the use of frequency blocks at the area for three users on 10 municipalities and termination of validation of the licences for the total of 13 base stations by the request of three users.

In the land mobile service, in 2020, it is issued the total of 1528 licences for 47 users.

In 2020, it is issued 17 licences for 17 users and it is revoked one (1) licence in the aviation service. Regarding the broadcasting service, amendment of the licences is conducted for the radio broadcasting transmitter for 9 users of licences of the Agency at the area of 13 municipalities.

4.1.2. Fees

During 2020, the calculation of the annual fees for the licences in broadcasting was completed and it is issued 196 decisions by which it is confirmed the amount of the annual fee for the licences in broadcasting for 2020.

It is completed the calculation of the amount of the fee for licences from the area of telecommunications for 2020 and it is issued 79 decisions on the amount of advance payment for the licences from telecommunications area for 2020.

It is completed the calculation and the amounts of the total annual fee for the licence from telecommunications area for 2020 and it is issued 78 decisions to the users of licences from telecommunications area.

Orders for invoicing of the annual fees for licences are prepared as follows:

- Licences for the fixed radiostation in the microwave connection point-point for 128 link connections of 11 users of licences
- Licences for fixed radio station of PMR for the total of 125 licence users
- Licence for satellite radio stations and VSAT terminals for 10 licences for satellite stations and VSAT terminals awarded for 9 licence holders.

Invoicing orders of the annual fees are prepared for the Licences of the fixed radio stations in the microwave connection point-point and namely BH Telecom d.d. Sarajevo for 744 licences, HT Eronet d.d. Mostar for 651 licences and Telecom Srpske a.d. Banja Luka for 659 licences.

Invoicing orders of the fees for the use of the radio frequency spectrum for 2020 are prepared for the users of the licence of the Agency and namely for the telecom operators (mobile access systems: 800MHz, 900MHz, 1800MHz, 1900MHz, 2100MHz, 2600MHz), radio stations, TV stations, links point-point, links point-more points, CATV, PMR and satellite stations and VSAT terminals.

Also, the invoicing orders are prepared for fees for the use of the radio frequency spectrum on the basis of the Licence for the use of the radio frequency spectrum for the provision of services via mobile access systems (LTE) for Telecom Srpske, BH Telecom and HT Eronet.

During the procedure of issuing of the licences in the area of broadcasting, economic analysis of the financial operations of the licence users is conducted as well as in the procedure of request for the transfer of the licence or the change of the ownership structure of the licence users of the Agency.

It is also responded to 35 inquires in writing related for the procedures of the issuing of the permits and the calculation of the fees for the licences along with the daily communication with clients via e-mail.

4.2. PUBLIC RELATIONS SECTOR

4.2.1. Media and public

During 2020, Public Relations Sector performed the current operations which included the communication with the journalists, licence holders and end users. It was provided a regular support to the office of the General Manager, areas, sectors and departments in the Agency.

It is published 58 press releases, which included regular activities of the Agency, creation of the Annual Report of the Agency, creation of the quarterly reports, Overview of the cases from the broadcasting area, publishing of the Report on processed cases from the area of the Agency, publishing of the public consultations on the Draft of the rules adopted at the Council of the Agency, monitoring of the Local elections in 2020 as well as the elections in Mostar. In addition, in 2020, the Agency initiated Survey on the Consumers Protection, on the degree of information of the population in BiH on the impact of the electromagnetic field, whose purpose is the establishment of the degree of information of the population on the allowed levels of electromagnetic field.

During 2000, it is published more than 5000 media publications on the topics of the Agency and in the printed media, on Internet portals, TV and radiostations in BiH.

Public Relations Sector during 2020 responded to 47 requests for the access to information in accordance with the Law on free access to information and on 12 questions of the MPs.

4.2.2. Cooperation on the projects, integrations and activities on the social networks

Public Relations Sector is during the reporting period participated in the work of the Project advisory team/committee "Stop the violence against children: Prevention and work on the prevention of the sexual exploitation and child abuse in the digital environment in BiH" conducted by the organizations UNICEF, MFS Emmaus and Save the Children (BiH consortium for children protection). The Agency is the partner of this project.

Constant activities are implemented on the improvement of the web page of the Agency in order to respond in the best manner to the necessities of the end users as well as the promotion of the activities of the Agency via social networks (LinkedIn, Facebook). During 2020, the Agency published via social networks the information which was already published on the web-page of the Agency, information which were distributed via press releases as well as from the important events which had organized or on which participated the Agency, (including the preparation, processing and publication of the text on the activities of the Agency).

Activities from the areas of the European integration were coordinated and they include the delivery of data for the creation of the annual reports, in accordance with the Action plan for realization of the priorities from the analytical report of the European Commission, including the preparation and the delivery of the written documents for the meetings of the subcommittee/committee for innovation and information society and social politics between the EU and BiH.

4.2.3. COVID –19 pandemic activities

From the proclamation of the emergency state caused by COVID-19 pandemic in BiH, the Agency in several occasions urged to the providers of the media services that during the reporting on this topic to approach it professionally, in the manner that the information is published without sensationalism

and spreading of misinformation which could influence to the spreading of the fear, panic and anxiety of the general public and to publish the information in the format accessible to people with hearing impairments and to be ensured the interpretation in sign language. Likewise, the Agency made the recommendations to the operators of the public telecommunication services and other licence holders for acting in the extraordinary situation. In this period, it is also published the new Decision on the amount of rate and the value of the point for the annual fee calculation for the licences in broadcasting for 2020 in the amount of 0.25 % (instead of 0.50%) of the total revenues of the licence users in the fiscal year 2019.

4.3. INFORMATION TECHNOLOGY SECTOR

4.3.1. Regular activities

During the entire year, regular activities are implemented, performed by the Information Technology Sector and they include:

- Standard safety controls of the operation of the key modules of the information system,
- Improvement of the Agency's computer network,
- Regular control of the operation of the server/network equipment and air-conditioning in the server rooms,
- Backup of the data from all servers on the daily and monthly basis,
- Updating of the base of the user's accounts (Active Directory),
- Control of the operation of Office 365 portals, updating of the users' data,
- Regular updating of applications and operational systems on the workstations and servers,
- Removal and resolving of the technical problems and provision of technical assistance to the employees of the Agency,
- Updating of the computer applications of the Agency,
- As well as the other special affairs according to the request of the users or the management of the Agency,
- Updating of the internet page of the Agency,
- Support for online communication with the use of the tool Zoom, Cisco Webex and MS Teams.

4.3.3. Special activities

During 2020, it is continued the process of modernization and upgrade of the information system of the Agency through the series of realized special activities.

4.3.3. Hardware/network infrastructure

Active participation in the planning, implementation and testing of all modules, developed within the project: *Measuring of the quality of the broadband Internet access in BiH*. Within the framework of these activities it is completed the following:

- Created user's accounts for the virtual machines on ProxMox virtualization environment and it is enabled SSH access for the external users, including the creation of the complete technical documentation.
- Completed the routing and the award of IP addresses as well as the creation of DNS record to all virtual machines on the control and measuring server;
- Testing of CRA's NetTest application, review of the complete functionalities and the content of the application, delivering of the list of the commentaries to the supplier;
- It is put into operation the CRA's NetTest application, linked to the official web-page of the Agency, mobile application published on Google Play and App Store platforms.

It is also installed the configured Debian 10 x64 server within the framework of VMWare virtualization platform for the necessities of importing of the delivered electronic questionnaires in the framework of the implementation of the Markets' Analysis Project of the electronic communications according to the EU methodology.

Participation in the implementation of the control-measuring system for the control and verification of compliance with the licence conditions and benchmarking of the mobile networks GSM/UMTS/LTE in BiH.

Virtualization of the physical servers is performed from Sima Milutinović 4 location, that is, conversion of the physical servers into the virtual machines on this VMWare platform. During the conversion, all user's data are migrated, also the applications (particularly we emphasise the software migration ATDI, that serves for planning of RF spectrum) and the settings from the two physical servers (Office and Spectrum).

It is also performed the migration of the data from fileserver of Windows Server 2008 R2 on Windows Server 2019 as well as the migration of the archive of the videomaterial on the new fileserver. Worn out faulty equipment for recording of the video content is extinguished.

It is created a virtual machine for the remote access to the softwares ATDI ICS Manager and ATDI HTZ communications (old version has a name ICS Telecom).

For the employees from the regional sectors of Banja Luka and Mostar is allowed access to the folder of RAK FORME with the updated forms via *One Drive*.

It is put into operation a new internet connection 300/300 Mbps (change of ISP) and it is performed the preconfiguration of the terminal equipment, that is, router Mikrotik RB4011iGS+RM on which are located network settings for the measuring equipment, for the testing of the service quality of the broadband Internet access (which operates in the active mode of operation). It is also performed the preconfiguration of the virtualization environment (ProxMox) on the new settings.

It is also performed the replacement of the existing SSD disks (32GB) with the new disks of 128GB on the main server for backup and replication, and then migration, that is, cloning an existing configuration on the new disks as well as the installation of the newest versions of *Veeam* and *Vmware* software solution.

It is also performed the configuration of SQL server and the installation of the additional *Microsoft* licences, approved through ESA contract.

It is completed the configuration of FTP servers, creation of the new users' accounts for TV stations.

4.3.4. Software

It is enabled the importing of the delivered electronic forms on Debian 10 x64 server, within the framework of the implementation of the Project of market analysis of the electronic communications according to EU methodology.

New functionalities in the system OWIS are added (register alignment, UP1 and UP2 with the prescribed forms).

It is completed the installation of MS Teams, platform setup, enabled users' support for the usage (in large extent, it is increased the usage of *online* platforms for the maintenance of *online* meetings, conferences, webinars, workshops, trainings and similar).

Software for processing and charging of telephone traffic on the telephone switchboard *Yeastar MyPBX U100* and the external telephone calls from the switchboard *Yeastar My PBX U100* are put into operation.

For the employees from the regional sectors of Banja Luka and Mostar is allowed access to the folder of RAK FORME with the updated forms via *One Drive*.

Data for the calculator of RF spectrum and redesigned forms for the search and the calculator of RF spectrum are updated.

It is created and published on the Internet page of the Agency electronic survey “Control of the level of the non-ionized electromagnetic field (EMP) for the purpose of the protection of people in BiH” whose holder is the Agency on Bosnian, Croatian and Serbian language.

4.3.5. Legislation

Created document: Instruction on the protection of the server room.

Amendments of the documents are performed: Policy of Safety of the Information System of the Agency, Information system development strategy of the Agency for the period from 2019 to 2021 and the Rulebook on the use of the information system of the Agency.

5. ENCLOSURE AND REVIEW OF CLAIMS, JUDICIAL PROCEEDINGS AND RULINGS

5.1. Review of the active disputes and judicial decisions

In 2020, by the claims against the Agency it is initiated five (5) disputes in total, of which: two (2) administrative disputes and two (2) civil procedures before the Court of BiH as well as one civil procedure before the Municipal Court in Sarajevo.

By the claims from 2019, two (2) more disputes are still ongoing before the Court of BiH.

5.2. Review of the current judicial disputes on claims from 2020

5.2.1. By the claim on 31 January 2020 of the plaintiff of the Group of bidders “Unis Telekom” d.d. Mostar and “Belmet MI” d.o.o. Ljubljana before the Court of BiH is initiated administrative dispute against the respondent, the BiH Complaints Review Office due to the annulment of the conclusion of the respondent, number: JN2-01-1-3008-9/19 of 30 December 2019 by which it is rejected the complaint of the plaintiff against the Decision on the selection of the most favourable bid for the procurement of the control- measuring system for the control and verification of compliance with the licence conditions and benchmarking of the mobile networks GSM/UMTS/LTE, number: 04-16-6-1875-15/19 of 25 October 2019. In the concerned dispute, the Agency is called to deliver, in the capacity of the interested person, the response/explanation to the claim. Response to the claim is submitted on 17 March 2020.

5.2.2. By the claim of 19 March 2020 of the plaintiff Grant Thornton d.o.o. Banja Luka, represented by the attorneys Bubić Zoran and Duka-Babić Bojana, lawyers from Banja Luka, before the Court of BiH is initiated a civil procedure due to the debt claim in the amount of BAM 136,539 on the basis of the Contract on the procurement of the services for the creation and implementation of the Accounting Separation and Cost Accounting Methodology concluded with the Agency on 8 June 2017.

Considering that in that period was on the force emergency state due to COVID-19 pandemic and the work from home was introduced and for the purpose of timely action, the Agency on 1 April 2020, directly filed a response to the claim with the relevant evidence on which was notified the Office of Attorney General of BiH (in continuation: The Office of Attorney General) in the capacity of the legal representative of the institutions of BiH in the civil procedure.

5.2.3. By the claim on 27 March 2020, of the plaintiff PC RTRS Banja Luka, represented by the attorney Grabež Saša, the lawyer from Banja Luka, before the Court of BiH was initiated an administrative dispute against the final resolution of the Council of the Agency, number UP2:03-29-7-8/19 on 20 November 2019 by which it was denied the complaint of the plaintiff against the first instance resolution number UP1:03-29-5-814/18 on 2 July 2019, with the modification of the imposed fine to the amount of BAM 25,000. By the first instance resolution, to the plaintiff was imposed a unique fine in the amount of BAM 35,000 due to the established violation of Article 5, Paragraphs (2) and (3) of the Code on the audio-visual media services and radio media services and Articles 16.2,

16.3 and 16.4 of the Election Law of BiH. The response to the claim was delivered on 15 April 2020.

5.2.4. By the claim on 25 June 2020 of the plaintiff “S-LIST” d.o.o. Sarajevo, represented by the attorney Kočo Damir, the lawyer from Sarajevo before the Municipal Court in Sarajevo was initiated the civil procedure against the Agency due to debt receivable in the amount of BAM 2,340 on the basis of the Contract on the Procurement of Law and Regulations on CDs concluded on 26 January 2017. Although, the concerned contract was realized in 2017, in complete, the plaintiff bases its receivables on the unfounded delivery of law and regulations on CDs for 2018. Considering the fact that it is about the civil procedure, on 30 June 2020, the Agency notified the Office of the Attorney General on the respective dispute, with the delivery of explanations to the claim together with the relevant evidence.

5.2.5. By the claim on 26 August 2020, before the Court of BiH was initiated the civil procedure (labour dispute) by the claim of the plaintiff Kovač Predrag, represented by Jahić Edina and Bećirović –Zijadić Sanja, lawyers from Sarajevo, against the respondent BiH – Council of Ministers and others due to the annulment of the Decision on the Confirmation of the Appointment of the Director General of the Agency (Official Gazette of BiH, number 44 /20). Considering the fact that it is about the civil procedure, on 3 September 2020, the Agency delivered to the Office of the Attorney General the explanation on the claim together with the relevant evidence.

5.3. Review of the current judicial disputes on claims from 2019

5.3.1. Administrative dispute before the Court of BiH by the claim on 13 September 2019 of the plaintiff Nova TV d.d. Zagreb, R. Croatia represented by the attorneys Čampara Maida and Crnovršanin Mirsad, lawyers from Sarajevo, against the final decision of the Council of the Agency, number: UP2-03-29-7-5/19 on 25 June 2019 by which it was denied the complaint of the plaintiff against the first instance conclusion, number UP1:03-29-5-379/19 on 5 March 2019 and by which the plaintiff was not recognized the capacity of the interested party in the procedure ex officio against Elta-Kabel d.o.o. Dobož. Response to the claim was delivered on 26 September 2019.

5.3.2. Administrative dispute before the Court of BiH by the claim on 13 September 2019 of the plaintiff United Media S.a.r.l. Luxembourg, represented by the attorneys Čampara Maida and Crnovršanin Mirsad, lawyers from Sarajevo, against the final decision of the Council of the Agency, number: UP2-03-29-7-4/19 of 25 June 2019 by which it was denied the complaint of the plaintiff against the first instance conclusion, number UP1:03-29-5-956/18 on 5 March 2019 and by which the plaintiff was not recognized the capacity of the interested party in the procedure, ex officio, against Elta-Kable d.o.o. Dobož. The Response to the claim was delivered on 26 September 2019.

5.4. Review of the judicial decisions

In 2020, in the disputes against the Agency and by the appeal of the Agency, it is issued in total of six (6) judicial decisions, of which: one decision of the Constitutional Court of BiH, one ruling of the Appellate Administrative Council of the Court of BiH and four (4) ruling of the Council for the Administrative Disputes of the Court of BiH, and namely:

5.4.1. Ruling of the Council for Administrative Disputes of the Court of BiH, number: S1 3 U 029299 18 U of 8 January 2020, by the claim of the plaintiff of PC RTRS, represented by the attorney Grabež Saša, lawyer from Banja Luka against the final resolution of the Council of the Agency number UP2:03-29-7-6/18 on 13 July 2018 by which it was denied the complaint of the plaintiff against the first instance conclusion, number UP1:03-29-2-893/17 of 12 April 2018 and by which it was denied the proposal of the plaintiff for the return to the previous state due to missed deadline for stating of the complaint on the resolution of the Agency of 9 February 2018 by which was imposed a unique fine to the plaintiff in the amount of BAM 28,000 due to the violation of Article 5, Paragraphs (2), (3) and (6) of the Code on the audio-visual media services and radio media services. By the mentioned ruling, the claim of the plaintiff was upheld, the final resolution of the Council of the Agency was annulled and the subject-matter was returned to the Agency on the retrial, with the obligation of costs’ compensation of the administrative dispute to the plaintiff (BAM 850).

5.4.2. The ruling of the Council for Administrative Disputes of the Court of BiH, number: S1 3 U 029104 18 U of 3 February 2020 by the claim of the plaintiff PC RTRS, represented by the attorney

Grabež Saša, the lawyer from Banja Luka against the final resolution of the Council of the Agency, number: UP2: 03-29-7-2/18 on 23 April 2018, by which it was denied the complaint of the plaintiff against the first instance resolution, number UP1:03-29-5-991/17 of 16 February 2018 with the modification of the imposed unique fine on the amount of BAM 5,000. By the first instance resolution, to the plaintiff was imposed a unique fine in the amount of BAM 9,000 due to the established violation of the Article 3, Paragraphs (1) and (4) and Article 5, Paragraphs (2) and (7) of the Code on the audio-visual media services and radio media services. By the mentioned ruling was denied the claim of the plaintiff. On 9 March 2020, the plaintiff stated an extraordinary legal remedy against the ruling – Request for the Review of the Court Decision on which the Agency delivered the response on 20 March 2020. The request was denied by the ruling of the Appellate Administrative Council of the Court of BiH (point 4).

5.4.3. Ruling of the Council for Administrative Disputes of the Court of BiH, number: S1 3 U 028159 18 U of 6 February 2020, by the claim of the plaintiff Elta Media Group d.o.o. Banja Luka, represented by the attorney Dimitrijević Stevan, lawyer from Banja Luka, against the final resolution, the Council of the Agency, number UP2:03-29-7-17/17 on 14 December 2017. By the order under the appeal of the Council of the Agency was denied the claim of the plaintiff against the first instance conclusion, number UP1: 03-29-2-789/17 on 28 August 2017 by which it was denied the plaintiff's application to the Public call for competition for the award of the available frequency resources for radio broadcasting performed via terrestrial radio diffusion in VHF range 87.5 to 108 MHz. By the mentioned ruling, it was upheld the claim of the plaintiff, annulled the final resolution of the Council of the Agency and the subject-matter returned to the Agency to be determined anew, with the obligation of costs' compensation of the administrative dispute to the plaintiff (BAM 850).

5.4.4. Ruling of the Appellate Administrative Council of the Court of BiH, number:S1 3 U 029104 20 Uvp of 24 April 2020, by the extraordinary legal remedy – Request for the review of the court decision stated by PC RTRS from Banja Luka, represented by the attorney Grabež Saša, lawyer from Banja Luka, against the Ruling of the Council for Administrative Disputes of the same court, number: S1 3 U 029104 18 U of 3 February by which in the first instance was denied a claim of the plaintiff against the final decision of the Council of the Agency, number UP2: 03-29-7-2/18 on 23 April 2018 (point 2). By the mentioned ruling was denied the plaintiff's extraordinary legal remedy.

5.4.5. The Decision of the Constitutional Court of BiH, number: AP-216/20 of 10 November 2020, by the Appellation on 17 January 2020 against the resolution of the Appellate Department of the Court of BiH , number: S1 3 U 031238 19 Uvp on 19 November 2019, by which is rejected the extraordinary legal remedy – Request of the Agency on 23 July 2019 for questioning of the first instance Ruling of the Council for Administrative Disputes of the same Court, number: S1 3 U 031238 19 U2 on 9 July 2019 by which it was adopted the request for the assessment of the legality of the general act submitted by the plaintiff Telekomunikacije RS a.d. Banja Luka and abolished the Rule 88/18 on the separate accounting (Official Gazette of BiH, number 72/18).Constitutional Court refused the Appellation with the explanation that the same is disputed the decision of the Court of BiH in the procedure in which the court decided only on the procesural issues (fulfilment of the formal conditions for submission of the request for review of the court decision) and on on the appellant “civil rights and obligations” in the sense of meaning of the right on the fair trial, from where it follows that the Appellation in comparison to the alleged breaches of Article II/3.e) of the Constitution of BiH *ratione materiae* incompatible with the Constitution of BiH.

5.4.6. Ruling of the Council for Administrative Disputes of the Court of BiH, number: S1 3 U 033550 19 U of 16 December 2020, by the claim of the plaintiff United Media S.a.r.l. Luxembourg, represented by the attorneys Čampara Maida and Crnovršanin Mirsad, lawyers from Sarajevo, against the final resolution of the Council of the Agency , number: UP2-03-29-7-3/19 on 25 June 2019 by which it was denied the claim of the plaintiff against the first instance conclusion, number UP1:03-29-5-380/19 on 5 March 2019 and by which the plaintiff is not acknowledged the capacity of the interested party in the procedure ex officio against TX TV d.o.o. Tuzla. By the mentioned ruling, it was upheld the claim of the plaintiff, annulled the final resolution of the Council of the Agency and the subject- matter returned to the Agency to be determined anew, with the obligation of costs' compensation of the dispute to the plaintiff (BAM 380.80).