

MONITORING MEDIA PLURALISM IN THE DIGITAL ERA

APPLICATION OF THE MEDIA PLURALISM MONITOR IN THE EUROPEAN MEMBER STATES AND CANDIDATE COUNTRIES IN 2023

Country report: Montenegro

Daniela Brkic Ruzic, Independent Researcher

Research Project Report

Issue -
June 2024

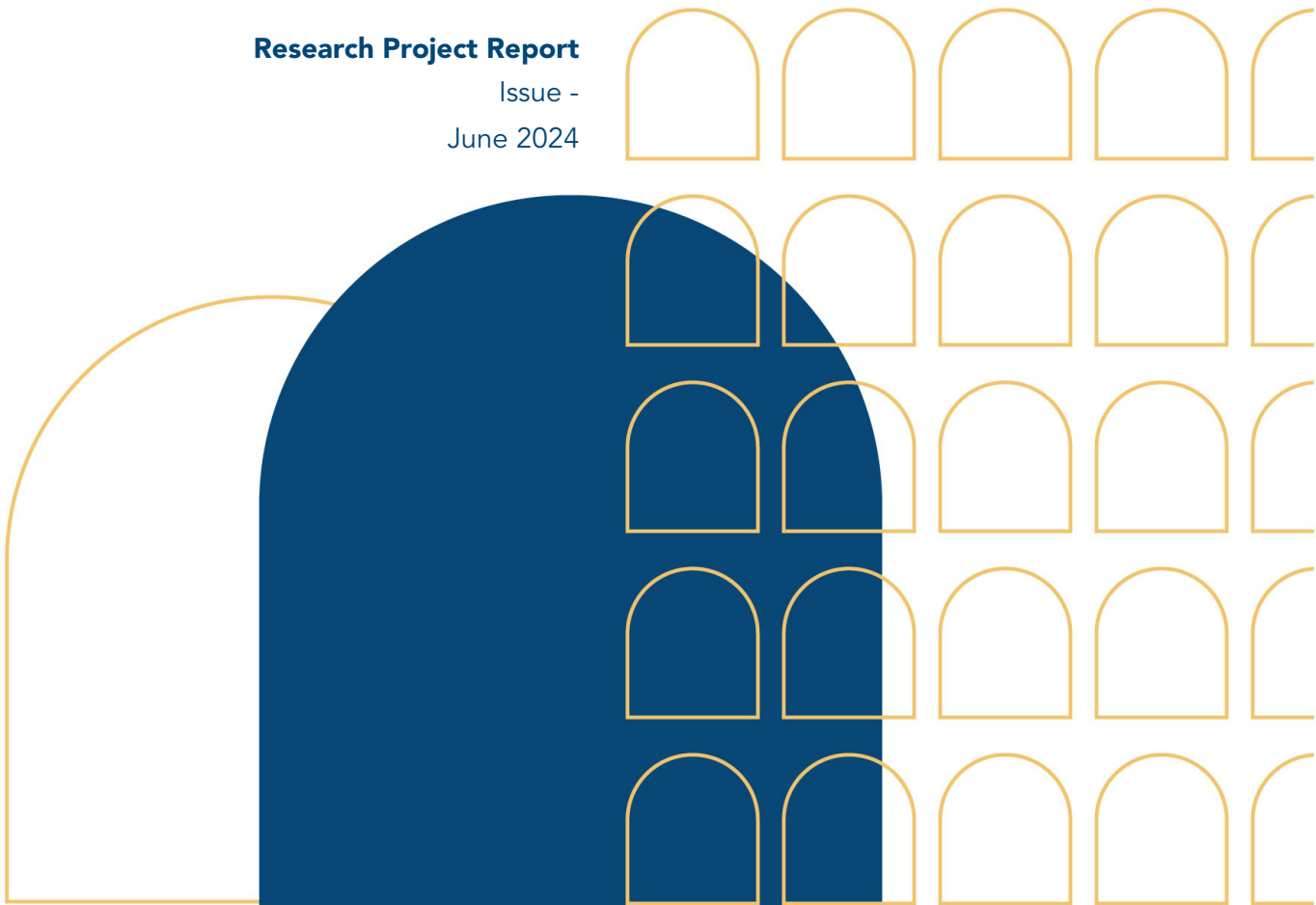


TABLE OF CONTENTS

1. About the project	4
1.1. Overview of the Project	4
1.2. Methodological notes	4
2. Introduction	6
3. Results of the data collection: Assessment of the risks to media pluralism	8
3.1. Fundamental Protection (52% - medium risk)	12
3.2. Market Plurality (69% - high risk)	15
3.3. Political Independence (69% - high risk)	19
3.4. Social Inclusiveness (78% - high risk)	23
4. Conclusions	27
5. Notes	30
6. References	31
Annexe I. Country Team	
Annexe II. Group of Experts	

© European University Institute 2024

Editorial matter and selection © Daniela Brkic Ruzic, 2024

This work is licensed under the Creative Commons Attribution 4.0 (CC-BY 4.0) International license which governs the terms of access and reuse for this work. If cited or quoted, reference should be made to the full name of the author(s), editor(s), the title, the series and number, the year and the publisher.

Views expressed in this publication reflect the opinion of individual authors and not those of the European University Institute.

Published by

European University Institute (EUI)

Via dei Roccettini 9, I-50014

San Domenico di Fiesole (FI)

Italy

ISBN:978-92-9466-576-8

doi:10.2870/995808



**Co-funded by
the European Union**

Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or EACEA. Neither the European Union nor the granting authority can be held responsible for them.

1. About the project

1.1. Overview of the Project

The Media Pluralism Monitor (MPM) is a research tool that is designed to identify potential risks to media pluralism in the Member States of the European Union and in Candidate Countries. This narrative report has been produced on the basis of the implementation of the MPM that was carried out in 2023. The implementation was conducted in 27 EU Member States, as well as in Albania, Montenegro, The Republic of North Macedonia, Serbia and Turkey. This year a part of the MPM has also been piloted in Bosnia and Herzegovina and Moldova. This project, under a preparatory action of the European Parliament, was supported by a grant awarded by the European Commission to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.

1.2. Methodological notes

• Authorship and Review

The CMPF partners with experienced, independent national researchers to carry out the data collection and to author the narrative reports. The research is based on a standardised questionnaire that was developed by the CMPF.

In Montenegro the CMPF partnered with Daniela Brkic Ruzic (Independent Researcher), who conducted the data collection, scored and commented on the variables in the questionnaire and interviewed experts. The report was reviewed by the CMPF staff. Moreover, to ensure accurate and reliable findings, a group of national experts in each country reviewed the answers to particularly evaluative questions (see Annexe II for the list of experts). For a list of selected countries, the final country report was peer-reviewed by an independent country expert. Risks to media pluralism are examined in four main thematic areas: Fundamental Protection, Market Plurality, Political Independence and Social Inclusiveness. The results are based on the assessment of a number of indicators for each thematic area (see Table 1).

• The Digital Dimension

The Monitor does not consider the digital dimension to be an isolated area but, rather, as being intertwined with the traditional media and the existing principles of media pluralism and freedom of expression. Nevertheless, the Monitor also extracts digitally specific risk scores, and the report contains a specific analysis of the risks that related to the digital news environment.

• The Calculation of Risk

The results for each thematic area and Indicator are presented on a scale from 0 to 100%.

- *Scores between 0% and 33%: low risk*
- *Scores between 34% and 66%: medium risk*
- *Scores between 67% and 100%: high risk*

With regard to the Indicators, scores of 0 are rated as 3%, while scores of 100 are rated as 97%, by default, in order to avoid an assessment that offers a total absence, or certainty, of risk.

Fundamental Protection	Market Plurality	Political Independence	Social Inclusiveness
Protection of freedom of expression	Transparency of media ownership	Political independence of the media	Representation of minorities
Protection of right to information	Plurality of media providers	Editorial autonomy	Local/regional and community media
Journalistic profession, standards and protection	Plurality in digital markets	Audiovisual media, online platforms and elections	Gender equality in the media
Independence and effectiveness of the media authority	Media viability	State regulation of resources and support to the media sector	Media Literacy
Universal reach of traditional media and access to the Internet	Editorial independence from commercial and owners' influence	Independence of PSM	Protection against disinformation and hate speech

Table 1: Areas and Indicators of the Media Pluralism Monitor

- **Methodological Changes**

For every edition of the MPM, the CMPF updates and fine-tunes the questionnaire, based on the evaluation of the tool after its implementation, the results of previous data collection and the existence of newly available data. The results obtained for these indicators are therefore not strictly comparable with those results obtained in the previous edition of the MPM. The methodological changes are explained on the CMPF website at <http://cmpf.eui.eu/media-pluralism-monitor/>.

Disclaimer: The content of the report does not necessarily reflect the views of the CMPF, nor the position of the members composing the Group of Experts. It represents the views of the national country team who carried out the data collection and authored the report. Due to updates and refinements in the questionnaire, MPM2024 scores may not be fully comparable with those in the previous editions of the MPM. For more details regarding the project, see the CMPF report on MPM2024, which is available on: <http://cmpf.eui.eu/media-pluralism-monitor/>.

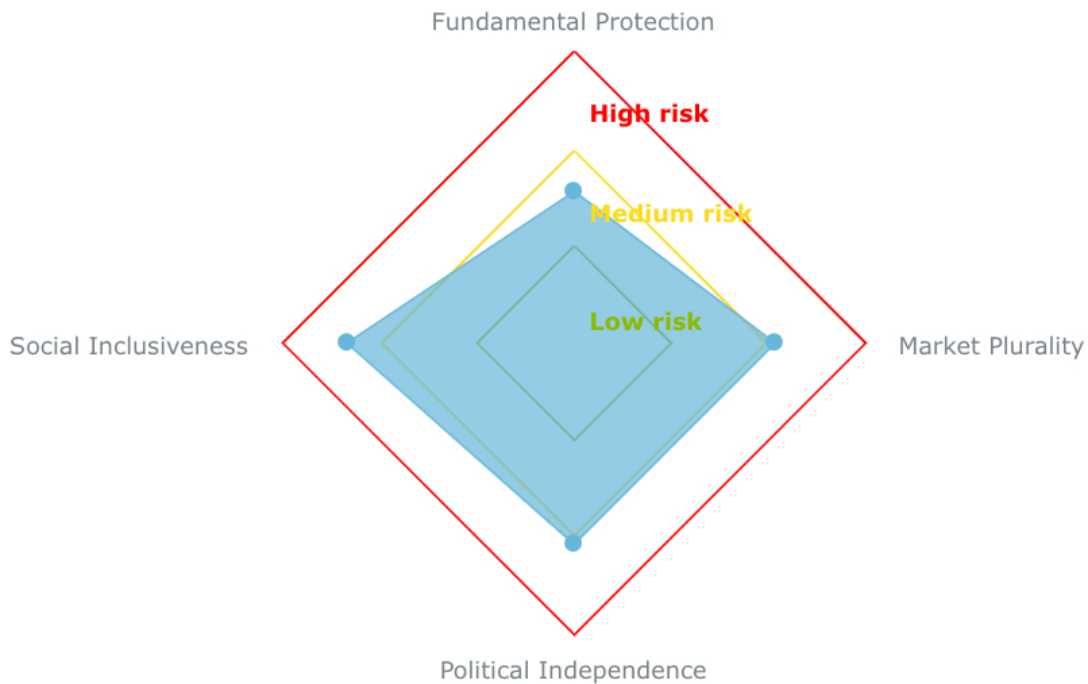
2. Introduction

- **Country overview:** Montenegro is a country in the Western Balkans with 633 thousand inhabitants and a territory of 13,812 square kilometres. Montenegro restored its state independence in a referendum in 2006 when it broke off the union with Serbia, which it found itself in after the dissolution of Yugoslavia.
- **Languages spoken:** The official language is Montenegrin. Serbian, Bosnian, Croatian and Albanian are in official use.
- **Minorities:** Montenegro is a multinational and multi-religious state. According to the last available census data from 2011, Montenegrins make up 44.98% of the population, Serbs 28.73%, Bosniaks 8.65%, Albanians 4.91%, Muslims 3.31%, Roma 1.01% and Croats 0.97%.
- **Economic situation:** Montenegrin economy relies dominantly on tourism. In 2023, real GDP growth is estimated at a stable year-on-year 6 percent rate, where a GDP nominal value of around six billion euros. The main component of GDP is private consumption, specifically boosted by the inflow of migrants during the last year, and a tax reform that boosted real disposable incomes. Inflation has eased from 13% in 2022 to 8.6% in 2023, thereby significantly reducing the differential with Euro Area inflation. The public debt remains high (down to 62% from 73% of GDP in 2022) due to large infrastructure projects dominantly credited by China.
- **Political situation:** In late 2023, Montenegro exited a more than a year-long blockage of the political system through early parliamentary elections (June 2023) ending the period of instability characterized by a caretaker government lacking the necessary political legitimacy, Parliament unable to assemble a consistent majority and a dysfunctional constitutional court. After nearly five months of post-election negotiations, the new Government was approved on October 31, as a coalition of pro-European, pro-Serb and Albanian minority parties. The new Government, led by an economist Milojko Spajic from the Europe Now Movement, won the elections by promises of reaching full membership in the EU and improving the living standards of Montenegro's population. The EU accession process has been at a stall for the past three years.
- **EU integration:** Montenegro started negotiations for membership in the European Union (EU) on 29 June 2012. Montenegro is a member of the NATO alliance since 2017.
- **Media market:** Three daily newspapers are published in Montenegro. There are four TV stations with national coverage, one of which is public, and 15 local, regional and cable-only TV broadcasters. The public broadcast system accounts for more than half of the entire media sector and consists of national PBS with four TV and two radio channels, six local public TV stations and 15 local public radio broadcasters. There are 29 registered commercial radio stations and over a hundred online media.
- **Regulatory environment:** Regulators are independent of the government, but the Parliament is responsible for adopting the financial plans and reports of the media regulatory agency and has the right to amend them. The Agency for Electronic Media has very limited sanctioning powers, which diminishes its efficiency in regulating the AV market. Media authorities do not provide data on the audience or financial results of media outlets. There is an active trade union of the media, which invests efforts in strengthening regulation and working conditions of media workers. When it comes to media content, however, professional journalistic organisations have no significant influence and self-regulation is very weak. In October 2023 the government adopted a new 2023-2027 media strategy.

Draft laws on media, audiovisual media services and the national public broadcaster, the RTCG, were prepared in 2022, however, the adoption of the new media legislation was repeatedly delayed.

3. Results of the data collection: Assessment of the risks to media pluralism

Montenegro: Media Pluralism Risk Areas



JS chart by amCharts



Montenegro scores a medium risk for **Fundamental Protection** (52%), while the areas of **Market Plularity** (69%), **Political Independence** (69%) and **Social Inclusiveness** (78%) reach the high-risk zone.

There are no any significant derogations from European standards in the legal regulation of freedom of expression and the right to information in Montenegro. The regulatory agency for electronic media works independently and transparently, although it lacks proper sanctioning powers. The elevated risks in the **Fundamental protection** area (9% year-on-year increase also) mainly relate to the continuous deficiencies in the mechanism of free access to information, where the lack of institutional capacities hampers the proper implementation of the law and causes an incommensurate number of appeals and related administrative dispute costs. The general risk increase was also a consequence of a lower score on access to the internet sub-indicator prompted by the changes in methodology and data sources.

Approximately half of media workers are members of the Trade Union of Media, while professional journalists' organisations do not have the strength to guarantee the respect of ethical standards, and self-regulation mechanisms are very weak. The working conditions of journalists are slightly improving, driven by general tax and minimum wage reform in the country, but many are still paid below the national average, exposed to work overload and not paid for overtime. The safety of journalists poses a challenge but to a lesser extent than a year before.

The **Market Plularity** area (69%) records the highest risk level in the indicator of Plularity in the digital market, reflecting a very concentrated and not regulated market in the digital intermediaries realm. High-risk levels are also recorded in indicators of Plularity of media providers, due to the very concentrated market habitual to a small population country, and a system of high state intervention, as well as in the indicator of

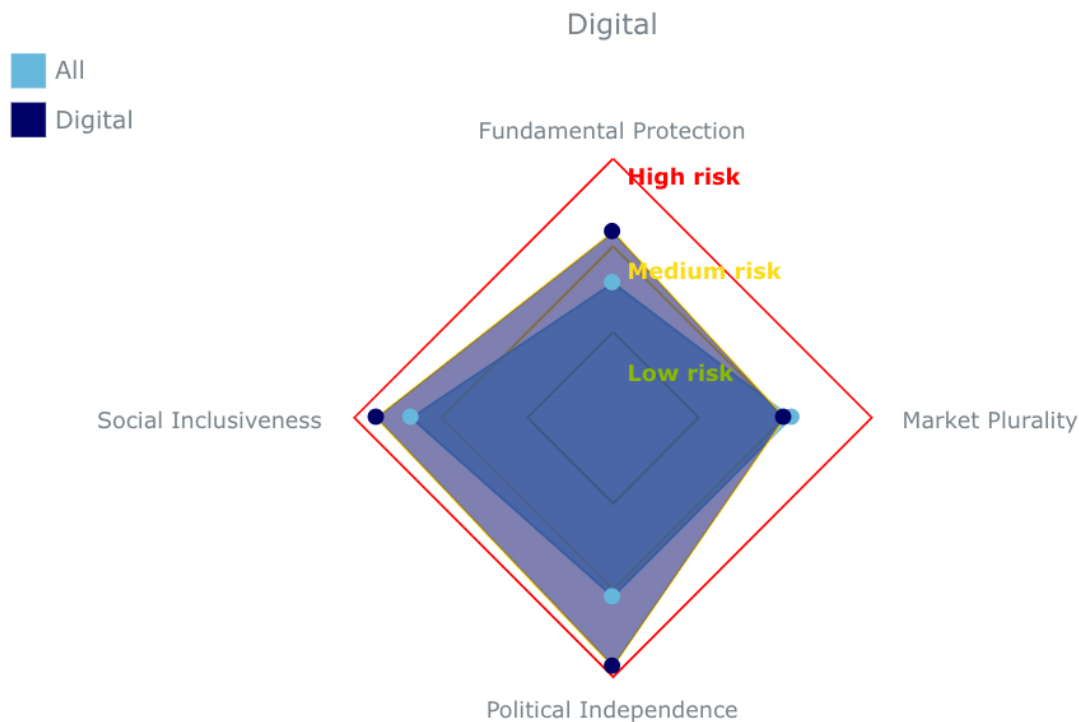
Editorial independence from commercial and owners influence. Current regulations do not protect editors or journalists in case of a change of ownership. Very few media have internal regulations on separating editorial content from marketing activities. Rules on transparency of media ownership are not fully applied in practice, especially in the case of online media. Also, there is no register of ultimate and beneficial owners which makes it challenging to identify final owners, especially for media founded by foreign capital. PSM is funded directly from the state budget in an amount that amply surpasses the budgets of privately owned media while there are no safeguards to ensure that market competition is preserved. The media market proves viable and increasing in sectors of AV media and digital natives.

The **Political Independence** area has an overall score of 69%. The four percentage points increase of this year, marked the passage from a medium to a high-risk band. Most media display political affiliations in their editorial lines. The legislation provides safeguards from politicians directly owning media, but the pronouncedly politicized editorial lines and owners' connections with political structures are publicly recognized. Appointment of editors is solely in the hands of owners, with almost non-existent legal safeguards to their independence. Parliament is in charge of the election of the national PBS governing body and it mainly decides along party lines. Appointment procedures of management are constantly challenged. There is a mechanism of state support to media pluralism established in 2021, which functions transparently and clearly, but the transparency in other forms of state financing of media has not yet been fully achieved. AV regulator efficiently monitors the implementation of rules for electoral media campaigning. Equal conditions for the representation of political actors in pre-electoral campaigns are mostly respected with the remaining challenges in local PSMs and media with nationalistic editorial lines.

The risk associated with the **Social Inclusiveness** area also remained in the high-risk band (78%). Minority programs are regularly broadcast on national PBS, but regular news is provided only to the Albanian minority. Programs for persons with disabilities are almost non-existent. None of the private media offers programs in sign language or audio description. Media literacy course has been included as an optional subject in all primary schools in Montenegro, but additional efforts are still needed in this area. Women are underrepresented in decision-making positions in the key media, but also in the news content. The government's Media strategy for 2023-2027 announced a systematic response to widespread disinformation and hate speech.

Focus on the digital environment

Montenegro: Media Pluralism Risk Areas



JS chart by amCharts

CEU
CENTRE FOR MEDIA
PLURALISM AND
MEDIA FREEDOM
MPFM 2024

The digital media environment still lacks some of the basic regulations and therefore most of the risk levels are higher than with traditional media. **Online Market Plurality** (66%) scores medium risk, while the areas of **Online Fundamental Protection** (72%), **Online Political Independence** (96%) and **Online Social Inclusiveness** (91%) fall in the high-risk zone.

Online Fundamental Protection (72%)

Digital native media enjoy equal basic rights and obligations on freedom of expression and its protection as traditional ones (Law on Media 82/2020). There is no evidence that internet service providers interfere with online content, but also there is no national safety mechanism to guarantee net neutrality. The state also does not report on blocked/removed internet content. Explicit rules on the protection of journalists and their data from illegal surveillance by the law enforcement sector are not incorporated in national legislation. The General Regulation on Personal Data Protection (GDPR) has not yet been transposed into national legislation. The online safety of journalists continues to pose a challenge to the same extent as the year before.

Online Market Plurality (66%)

The Law on Media 82/2020 requires online media to register with the relevant Ministry and keep the ownership data publicly available. However, the Law does not prescribe sanctions for not registering. Thus, many online providers of news and propaganda continue to operate unhampered. Market data on this media sector are largely unavailable, and online media do not fall under the legal provisions on media concentration.

Online Political Independence (96%)

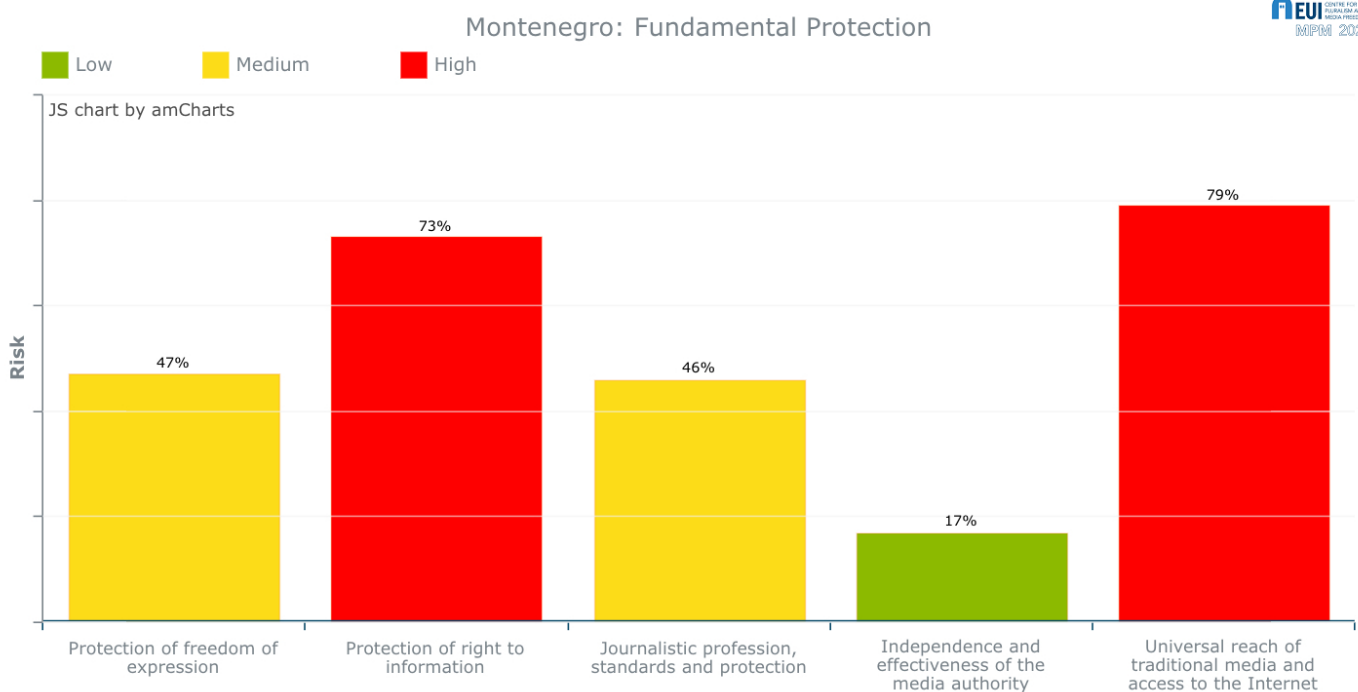
Online Political Independence remains the area with the highest risk levels. With no proper mechanisms to prevent political influence on the editorial content of online media, they are an easy tool for political campaigns. Additionally, the non-applicability of rules on reporting elections, made some of the general principles futile – equal representation, advertising prices, and finally electoral silence on the eve of the election.

Online Social Inclusiveness (91%)

The level of digital skills in Montenegro is very low. Online media are the primary grounds for disinformation and hate speech, but Montenegro lacks monitoring capacities and mechanisms for reporting hate speech. There is only one fact-checking platform Raskrinkavanje.me launched as a part of Facebook's initiative.

3.1. Fundamental Protection (52% - medium risk)

The Fundamental Protection indicators represent the regulatory backbone of the media sector in every contemporary democracy. They measure a number of potential areas of risk, including the existence and effectiveness of the implementation of regulatory safeguards for freedom of expression and the right to information; the status of journalists in each country, including their protection and ability to work; the independence and effectiveness of the national regulatory bodies that have the competence to regulate the media sector, and the reach of traditional media and access to the Internet.



Montenegrin legislation guarantees freedom of expression and the right to information. A lack of institutional capacities, however, hampers efficient access to information in the possession of public bodies. Respect for ethical standards and weak mechanisms of self-regulation pose a challenge. The broadcasting media authority works independently and transparently but lacks sufficient sanctioning powers and authority. Internet coverage, speed and regulation are lagging behind the EU standards.

The indicator **Protection of freedom of expression** scored a medium risk (47%), which is 15 percentage points higher than in the previous year. The result was affected, among other things, by lower scoring of digital variables reflecting transparency in the online environment, as explained later in the digital snippet.

Freedom of expression in Montenegro is safeguarded by the Constitution and the Law on Media (82/2020) with restrictions aligned with international human rights standards. There are also several available mechanisms for remedying the infringement of freedom of expression, as provided by the Law on Media (82/2020), the Criminal Code (3/2020), the Law on Public Order (056/20), and the Law on the prohibition of discrimination (42/2017). The quality of legal protection is challenged by experts and NGO initiatives while its effectiveness is limited by the general state of the judicial system in the country^[1]. For example, Human Rights Action (HRA) submitted to the Constitutional Court the initiative^[2] to review the constitutionality of Article 398 of the Criminal Code of Montenegro (26/21) - related to "Causing panic and disorder", which sanctions the publication of "false news", prompted by the arrests of three journalists suspected for committing the mentioned offence. The initiative points out that the criminal offence of "Causing panic and disorder" is a variation of the criminal offence of "Defamation", which was deleted from the Criminal Code of

Montenegro in 2011, while imprisonment for the same crime was abolished back in 2003, making the offence also contrary to the existing legal order. The reports on 2023 cases are missing, and legislative initiatives were stalled due to the political instability in the country that lasted for more than two years.

The indicator **Protection of the right to information** increased the risk level from medium (54%) to high (73%), as the serious limitations in the mechanism of access to information held by state administration remained unresolved. For the second year in a row, the Agency for Personal Data Protection and Free Access to Information (AZLP), warns of the serious deficiencies in the system (AZLP, 2024). The Agency, which collects reports from public bodies on all FOI requests, and acts as second instance appeal address, reported that in 2022, public bodies did not grant access to approximately one-quarter of the requested information, while they breached the legal deadline of 15 days in responding to the request in one-third of the cases (AZLP, 2023). The slowness of administration, and partially its silence, causes an indomitable number of appeals (2023:7365, 2022:8865, 2021:5400, 2020:3000). The Agency manages to process only a portion, while the rest of them are taken to the Administrative court. The compensations assigned by the court cost the Agency 20-25% of its operational budget in 2019 and 2020. In its latest official and public initiative, the Agency claims that the situation is abused to gain court compensation and urges for legal amendments, arguing that the “untimely systemic solution of this open problem brings into question the institutional role, sustainability and purpose of the Agency, and therefore the concept of this very important human and democratic European right” (AZLP, 2024). Revisions of the Law on free access to information (30/2017) were prepared in 2021, but they haven’t been adopted yet.

Montenegro remains the only country in the region without a special law on whistleblowers. Some form of protection was introduced in 2016 through the Law on the prevention of corruption (53/14, 42/17, 73/23), but the effects in this domain remain limited. The preparation of a new legal framework that would incorporate the EU whistleblowing directive (Directive 2019/1937) is underway. In 2023, the number of reported cases has risen to a record 190 (188 in 2022, 142 in 2021, 75 in 2020), but only 69 procedures were completed (Agency for prevention of corruption, 2024). Besides the procedural inefficiency, the competencies of the relevant Agency for the prevention of corruption in this domain are limited. It offers only administrative protection which entails issuing opinions with recommendations for whistle-blowers protection from potential damages. The recommendation is not obligatory for the employer, and often not followed through.

The indicator on the **Journalistic profession, standards and protection** remained in the middle-risk zone, but with a considerably lower risk level (46% down from 63%).

The downward risk slide is a consequence of improved results in journalists’ safety. In 2023, the Safejournalists.net platform recorded 16 threats to the physical safety of journalists and no attacks, while in 2022, there were 28 registered cases which included 8 physical attacks. Trade Union of Media of Montenegro, a member organisation in the Safejournalists.net initiative, reported that the police response was much more efficient in the past year and that the amendments to the Criminal code^[3] which prescribe more severe prison sentences for perpetrators of attacks on journalists would lead to a decrease of such crimes or even to their full eradication (Saveljic, 2023).

Although Montenegro does not have a specific anti-SLAPP legislation, in practice, there were no such cases in 2023. Journalistic sources were protected, despite the weaknesses in the Law on Media (82/2020) which leaves the possibility to the state prosecutor to ask for disclosure of journalistic sources if needed to protect the “interests of national security, territorial integrity and health protection”.

As for the professional standards, Montenegrin media generally fall short of the quality norms. Professional associations are too weak to provide safeguards to editorial independence. The code of ethics is outdated and neglected and mechanisms of self-regulation are not far reaching. The Trade Union of Media of Montenegro is warning that media employees are mostly paid below the national average and that they are exposed to work overload without paid overtime (Konatar, 2023). Freelancers and self-employed journalists are not protected by social security schemes.

The indicator on **Independence and effectiveness of the media authority** scored a low risk (17%), the same as the year before, and it remained the best-score indicator in the Fundamental Protection area. The broadcast regulator, the Agency for Electronic Media, generally exercises its mandate in a professional and very transparent manner, but within the legally limited remit. Its efficiency in regulating the broadcasting market limits a narrow scope of sanctioning powers, as the regulator can only issue warnings as the mildest and often ineffective measure and exercise the strongest sanction of revocation of the licence (Law on electronic media, 055/16).

The **Universal reach of traditional media and access to the Internet** moved to the high-risk zone with a 73% risk level from last year's medium risk (48%). The downgrade is due to methodological changes, including changes in the data sources, which raised the bar of risk levels related to broadband coverage and internet access in the country. Universal coverage of the public service media (PSM) is legally guaranteed, and currently, the signal of the national public broadcaster covers more than 98% of the territory of Montenegro.

Focus on the digital environment

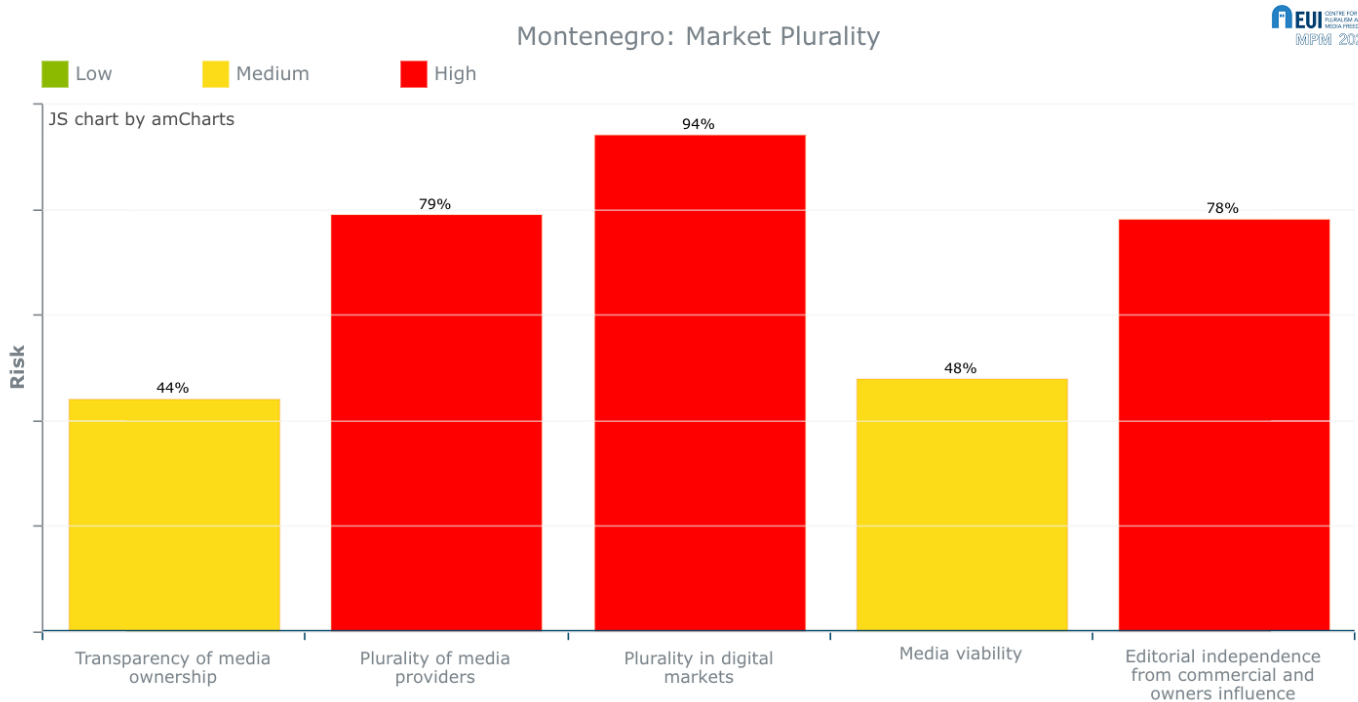
The risk level in the digital sphere is considerably higher than with the traditional media in the area of Fundamental protection and with a 72% score reaches the high-risk zone. The 25% risk rise from the past year refers to the decreased transparency of online platforms Meta and X on content removals, and particularly the lack of such transparency by the State. A massive cyber-attack in August 2022 disrupted the work of public services in Montenegro, and the consequences were felt in 2023 too. In response, in December 2022, the Government set up a new Directorate for Information Security known as the government's CIRT (Computer Incident Response Team^[4]). However, the new body did not establish a transparency reporting practice.

In 2023, there were seven recorded cases of endangering the safety of journalists online (safejournalists.net). The number of recorded cases is the same as in 2022. In three of these cases, female journalists were victims of rape and death threats.

With 83% of the population covered with broadband, and an average Internet speed of 49, 46 Mbps, Montenegro ranks a high-risk country. Also, in Montenegro, there are no regulatory safeguards regarding net neutrality, and it is not possible to determine if internet service providers (ISPs) manage network traffic in a way that is transparent, impartial and neutral.

3.2. Market Plurality (69% - high risk)

The Market Plurality area considers the economic dimension of media pluralism, assessing the risks deriving from insufficient transparency in media ownership, the concentration of the market in terms of both production and distribution, the sustainability of media content production, and the influence of commercial interests and ownership on editorial content. The actors included in the assessment are media content providers, with indicators including Transparency of media ownership, Plurality of media providers, Media viability, Editorial independence from commercial and ownership influence, and digital intermediaries (with the indicator on Plurality in digital markets).



The area of Market Plurality decreased the risk level in comparison to the previous year by four percentage points but still scored the high-risk level of 69%. It has to be noted that some of the high-risk indicators are a direct consequence of the size of the Montenegrin media market catering to the population of 0.6 mil. Besides being concentrated, the market is influenced by state interventions, primarily through the network of national and local PSM outlets funded directly from public revenues. The market lacks audience measurements and full financial transparency, but the media business proves viable and growing. Direct ownership data is for the major part available. Commercial and owners' influence on editorial content remains very strong with no efficient safeguards. Online media are not covered by concentration rules.

The indicator on **Transparency of media ownership** scored a medium risk (44%), six percentage points lower than in MPM 2023. Basic ownership data are publicly available for most of the mainstream media, as prescribed by the Law on media (82/2020).^[5] The ownership data of the broadcast media are available on the regulatory agency website, while the online media register is kept by the relevant Ministry.

Even with the legal framework in place, in practice, there is still a lack of transparency, particularly for ultimate ownership. The register of beneficial owners of the media does not exist. Some further data are publicly available on the online edition of the Central Registry of Commercial Entities of the Tax Administration (CRPS). This is, however, insufficient to identify the ultimate/beneficial owners. This is especially important since from 2022 all commercial TV stations with national coverage are owned by foreign entities.

National legislation does not contain specific provisions requiring financial reporting obligations in the media sector. There is a public register of companies and their annual financial statements, but they are not detailed enough to identify the revenues of media outlets functioning within larger enterprises with diversified businesses or those funded by NGOs or non-commercial entities.

The indicator on the **Plurality of media providers** scored a high risk (79%), five percentage points lower than the year before. The Law on electronic media (55/2016) prescribes the thresholds^[6] of horizontal and cross-media concentration, and the regulatory agency monitors adherence to the law. Besides the already mentioned lack of financial reporting obligations in the media sector, the market lacks prerequisites for additional safeguards of media plurality, such as data on media circulation, sold copies, or generally accepted and available audience measurement, which altogether increases the risk level.

In a relatively small market, the media concentration is high: there are only three daily newspapers, and in the audio-visual sector, the four biggest companies make 75% of total revenues, (PBS RTCG-58%, TV Vijesti-8%, PBS Gradska RTV-5% and TV Prva-4%), while at the same time enjoy the audience share of 51%. With radio stations, the competition is bigger but the top4 owners make up 74% of the market. Radio audience measurements are not conducted. The concentration of the market share of the top4 media owners across different media markets, according to 2022 data, is 62%. The highest market share had PBS RTCG at 43%, followed by dailies Dan and Vijesti with 7% and 6% respectively, and TV Vijesti with 6%. The market and audience data on online media are mostly unavailable. In 2023 there were 110 officially registered online media, but the attempt of the Trade Union of the Media to map the revenues of online media (Konatar, 2023) discovered the existence of 130 online media, 95 of which were digital natives.

The indicator of **Plurality in digital markets** has the highest risk level (94%), as the online media market is vastly unregulated and lacks available data. Rules on media concentration do not apply to digital native media. Media authorities do not provide data on their revenues or audience.

The top-ranked sites in Montenegro at the end of 2023, according to Open.trends were Google.com 28%, Youtube.com 20%, Facebook.com 8% and Instagram 5% with one local news portal (Vijesti.me) making the top 10. However, the national revenues administration does not have data on how much big online platforms collect for advertising in the Montenegrin territory. Also, there is no taxation on digital services in Montenegro. The national regulatory and competition framework is not developing new tools to address the digital challenge.

The indicator on **Media viability** scored a medium risk (48%). 2023 revenue data were not available for this report, but according to the comparative data available for 2020 and 2022 compiled by the Trade Union of Media in Montenegro (Lakovic Konatar, 2021; Konatar, 2023), total revenues of the media sector grew 13% to 47.5 million euros, making the increase considering the trend of the overall economy. The audio-visual sector, which accounts for three-quarters of the market grew at the rate of 17%, as well as the much smaller sector of digital native media. The revenues of the radio sector remained stationary, while the press showed a slight decrease. In the same comparative period, the media sector increased the total number of employees (1806 to 1939), and in 2023 no significant media closures and layoffs were reported. Freelance journalists are not a common category in Montenegrin media. The labour laws are rigid and freelancing is not envisioned as a potential option for paid work.

The local media also proves sustainable. In Montenegro (25 municipalities in total) there is a system of local public service media that consists of six TV stations and 16 radio channels. These outlets are funded from

the municipal budgets, and in some of them, the salaries are below average plus they tend to be irregularly paid (Mujic, 2021). The draft Law on Audiovisual Services (Nacrt Zakona o audiovizuelnim uslugama, 2022) envisaged fixed rates of the municipal budget for their funding, but this law hasn't been adopted yet due to the political instability in the country. As for the local commercial media, currently, there are seven TV stations, 24 radio stations and 12 local print editions. The cumulative data on their revenues are only partly available, but those reported by the Media union from 2020 and 2022 (Lakovic Konatar, 2021; Konatar, 2023) prove to be stationary.

The state directly supports media through the Fund for Encouraging Media Pluralism and Diversity, where all commercial media compete for 0,09% of the state budget. Alternative funding is limited to development funds from the EU pre-accession instruments, and other support schemes coming from international development agencies or embassies.

The indicator on **Editorial independence from commercial and owners influence** scored a high risk (78%), with a 12% decrease from the previous year. Owners' influence on the editorial content of the media is not regulated by existing legislation. Article 26a of the draft media law (Nacrt Zakona o medijima, 2022) proposes a procedure for the election of the editor-in-chief that would strengthen his/her independence, but due to the political instability and early parliamentary elections, the new law was not adopted by the end of 2023. Similarly, social protection is not provided to journalists in the case of changes of ownership or editorial line.

Only a handful of media have adopted internal rules for the functioning of the newsroom and its separation from the commercial activities of the company (PBS RTCG, MINA news agency, Vijesti Daily). The Code of Ethics for Journalists prescribes that "a journalist must not engage in advertising and propaganda work" (Kodeks novinara/novinarki Crne Gore, 2015), but the Code is often disregarded, partly because of the weak self-regulatory mechanisms in the country. Amendment to the Law on media from 2020, introduced a provision which gives journalists the right to refuse to "prepare, write or participate in shaping media content that is contrary to the law and the Code, with a written explanation to the editor-in-chief," and that he/she cannot be fired or punished for that.

Advertorials are prohibited by Article 85 of the Law on Electronic Media (055/16) and in recent years covert advertising in electronic media has been partially reduced due to warnings issued by the regulator – the Agency for Electronic Media (Camovic-Velickovic & Lakovic Konatar, 2023).

Focus on the digital environment

The indicator of **Market plurality in the digital environment** is at the upper borderline of medium risk (66%). The Law on media (82/2020) requires online news portals to provide direct access to ownership data, with sanctions envisaged for disrespect of transparency rules. However, the Law does not provide sanctions for not registering online media, and therefore it still happens that unregistered portals with unknown owners provide news and propaganda content. Media concentration rules do not apply to online media.

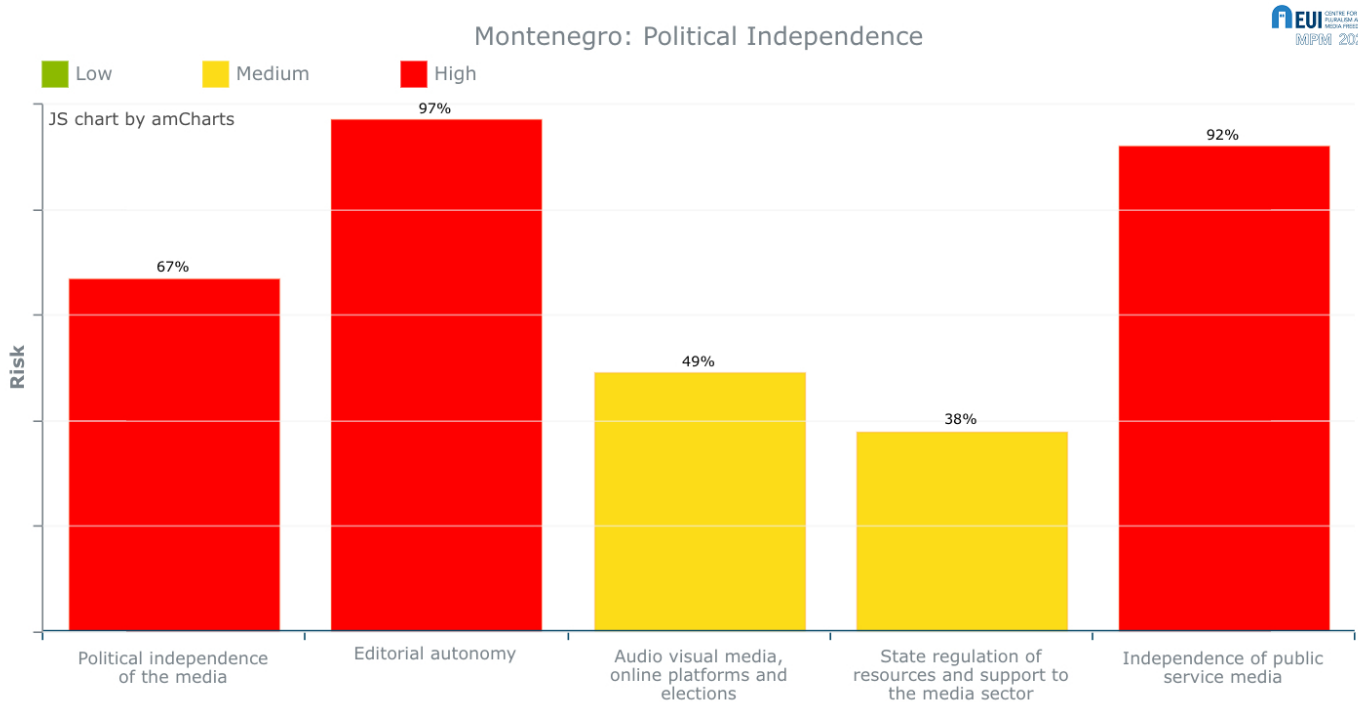
The size of the digital media market is not known as the authorities do not provide such data. The periodic overviews of the Trade Union of Media (Lakovic Konatar 2021; Camovic Velickovic & Lakovic Konatar, 2023) showed that more than half of registered news portals operate within larger companies, not necessarily in the media domain, and their business performance is not reported separately. Also, those registered by NGOs or private persons do not file financial reports to the Revenue and Customs administration registers, which is the only available source of business data. Based on these partial data, the number of digital native media has grown from 78 in 2021 to 95 in 2023, and the total revenues of this sector grew 35% to around 2 mil euros.

None of the digital media has paid subscriptions, very few use crowdfunding options, and their alternative sources of funding are mainly donor-based projects and state support. In 2023, online media were able to compete for approximately 300 thousand euros of state support, and 50 of them used it.

It is not known what percentage of the revenues is harvested by global online platforms from the local market as the national income administration does not have such data.

3.3. Political Independence (69% - high risk)

The Political Independence indicators assess the existence and effectiveness of regulatory and self-regulatory safeguards against political bias and political influences over news production, distribution and access. More specifically, the area seeks to evaluate the influence of the State and, more generally, of political power over the functioning of the media market and the independence of the public service media. Furthermore, the area is concerned with the existence and effectiveness of (self)regulation in ensuring editorial independence and the availability of plural political information and viewpoints, in particular during electoral periods.



The media in Montenegro are mostly editorially aligned to partisan views, with limited safeguards of editorial independence. The total score for the area is 69%: an increase of four percentage points from the previous year meant the move from medium to high-risk zone.

The indicator of **Political independence of the media** scored a high risk (67%). The Law on electronic media (55/16) and the Law on prevention of corruption (42/2017) prevent politicians and public officials from acting as founders and owners of media. Still, there are no efficient safeguards from political influence on their editorial content. On the contrary, the media landscape is highly politicized and polarized against the political lines of dominantly pro-Serbian parties that came into power in 2020. In the aftermath of this political change, through several major acquisitions, all commercial TV stations with national frequency came under foreign (Serbian) ownership. An illustrative example is TV Adria, a successor of former TV A1, which was bought by Adria MS, a company with foreign capital and Serbian management with connections with local pro-Serbian politicians. On the other political pole, TV E, founded in 2022, is considered supportive of the ex-regime of the Democratic Party of Socialists (DPS) because it is managed by several persons close to this party. Namely, the president of the board of directors of the new company is at the same time director of the daily Pobjeda, owned by Greek businessman Petros Statis, involved in large projects in Montenegro under the auspices of the former Government.

The indicator of **Editorial autonomy** kept the highest risk score of 97%. In Montenegro, there is no legal protection to ensure freedom from political influence on the election of the editor-in-chief. Such influence is not seen as conflict and it depends primarily on media owners' closeness to certain political parties or

organizations.

As a rule, the changes in political powers bring changes in media ownership and the editorial policy of the media. The most recent example (December 2023) is the appointment of the new management of Gradska RTV (Local PBS of the capital city Podgorica) following the change in municipal government. Similarly, in 2022, TV Adria, established by a Serbian company, following the win of the pro-Serbian parties in the 2020 general elections, appointed an editor-in-chief who was previously employed by a daily with pro-Serbian orientation. Also, in 2021, Prva TV employed a prominent member of the Democratic Front party, and an ex-MP, Marina Jovic, as “coordinator” with high decision-making powers, while the editor-in-chief became an ex-journalist of media with pro-Serbian and pro-Putin political affiliation.

Self-regulation mechanisms are very weak and mostly limited to in-house ombudsmen in only a handful of media. There is only one active collective self-regulatory with 13 members (of over 200 registered media) and it is unlikely that a common authority could be established as the self-regulation in Montenegro has been decentralized for more than a decade due to the disputes among major media companies.

The indicator **Audiovisual media, online platforms and elections** is at medium risk (49%), slightly higher than the year before. The Law on the Election of Councillors and Deputies (Zakon o izboru odbornika i poslanika, 109/2020, Art 50) guarantees equal representation of electoral contestants and obliges commercial broadcasters to provide paid advertising under equal conditions. The equitable and free presentation is also guaranteed in programmes of public service media. The AV regulator observes the implementation of the rules and they are mostly applied in practice.

According to the monitoring reports^[7] of the Agency for electronic media national PSM - RTCG provided a balanced representation of political actors in parliamentary and presidential elections in 2023, as well as several municipal elections in 2022 and 2023. However, the situation in local (municipal) PSMs, according to the data from the same reports of AEM, continues to be burdened by the influence of local parties in power. For example, in the parliamentary elections held in June 2023, the largest local PBS, Gradska TV, founded by the municipality of the capital Podgorica, strongly favoured the parties that founded it, giving them three times more air time than the second most represented party.

The reports of the ODIHR Mission,^[8] which monitored the early parliamentary elections in June 2023, and presidential elections held in March and April 2023, concluded that while some private media offered balanced coverage, two national TV stations Prva TV and Adria TV displayed a bias in favour of one candidate list, as well as E TV who strongly inclined to the opposing candidate. It is interesting to mention that during the presidential campaign, Milo Dukanovic declined to participate in TV shows on Vijesti TV, Prva TV and Adria TV, appearing only on E TV, while other candidates, Andrija Mandic and Jakov Milatovic, also declined to participate in TV shows on E TV and Gradska TV. ODIHR monitoring mission report remarks that "with these decisions, the candidates contributed to the polarisation of the media and effectively reduced the ability of voters to make an informed choice".

The indicator **State regulation of resources and support to media sector** moved from a low risk of 33% to a medium risk of 38%. The main mechanism of state support to the media is the Fund for Encouraging Media Pluralism and Diversity, established in 2021, to which the state allocates 0.09% of the annual budget. In three years since its foundation, 1.7 million euros has been granted to media projects.

In 2023, the Ministry of Culture and Media awarded approx. 450 thousand euros for 53 projects of print and

online media, and all applications were successful. In the audio-visual sector, the Agency for electronic media conducted the 2022 grant competition only in June 2023. Grants worth 346 thousand euros were awarded to successful projects of 9 media outlets. The amount of 475 thousand remained unspent. All applicants went through a rigorous control procedure and some were denied due to defaults with tax authorities and the regulator. The process was fully transparent.

Public bodies failed for a second year to fully report on their advertising spending, which is the obligation introduced in 2020 to both state bodies and the media. The second report ^[9] of the Ministry of culture and media had a better response rate, but still, only 28% of public bodies filed the report and 62% of the registered media. Although introduced to exert more control in state advertising, this measure is still not fulfilling its purpose. For example, the public bodies reported paying media services in total amount of 7.6 million, while the submitted media reports add up to 3.6 million euros.

The indicator of **Independence of public service media** increased the risk score from 79% to 92% (high risk). The Parliament failed to adopt the 2022 amendments to the Law on public broadcaster RTCG which should provide more independence to its management. According to the current Law, the appointment procedure of members of the RTCG Council, its highest governing body, is conducted by the Administrative Committee of the Parliament of Montenegro, based on candidates' biographies, interviews and support of authorized bodies for nominations. In practice, this means that the Council members are appointed based on the majority will in the parliamentary committee, which poses a direct political influence on the work of RTCG. In the past five years, RTCG has changed management and editorial lines three times, and each time the sole motive was the change in the balance of political powers. In most of these cases, the courts declared the dismissals illegal but with no practical consequences. Lately, in January 2023, the first instance Basic Court annulled the decision on the election of the current General Manager for the reasons that he occupied the public function at the time of his appointment and unclear conditions and qualifications which were decisive for his elections. The decision was upheld by the Higher Court of Podgorica in May 2023. Nonetheless, on 1 June, the RTCG Council re-elected him as Director General. Three days later, the Basic State prosecutor's office opened an investigation into the General Director's re-appointment.

The state financed the national PBS RTCG at a fixed annual rate of 0.3% of GDP. In December 2023, without public consultations, the Government tried to change this legal provision by making the funding dependent on macroeconomic parameters and consumption limits. Only after the intervention of the EU representative, the amendment was changed to the fixed amount of 1.34% of the current state budget.

The influence of the RTCG funding model on market competition was never considered. In 2023, the state allocated 18.5 million euros for RTCG. For comparison, the entire AV market in Montenegro in 2022 was worth 35.4 million euros, including the local public broadcasters (around 6 mil. euros), which means that two-thirds of the electronic media market is state-funded. The budget of the top-rated commercial TV station, Vijesti, is 2.8 million euros.

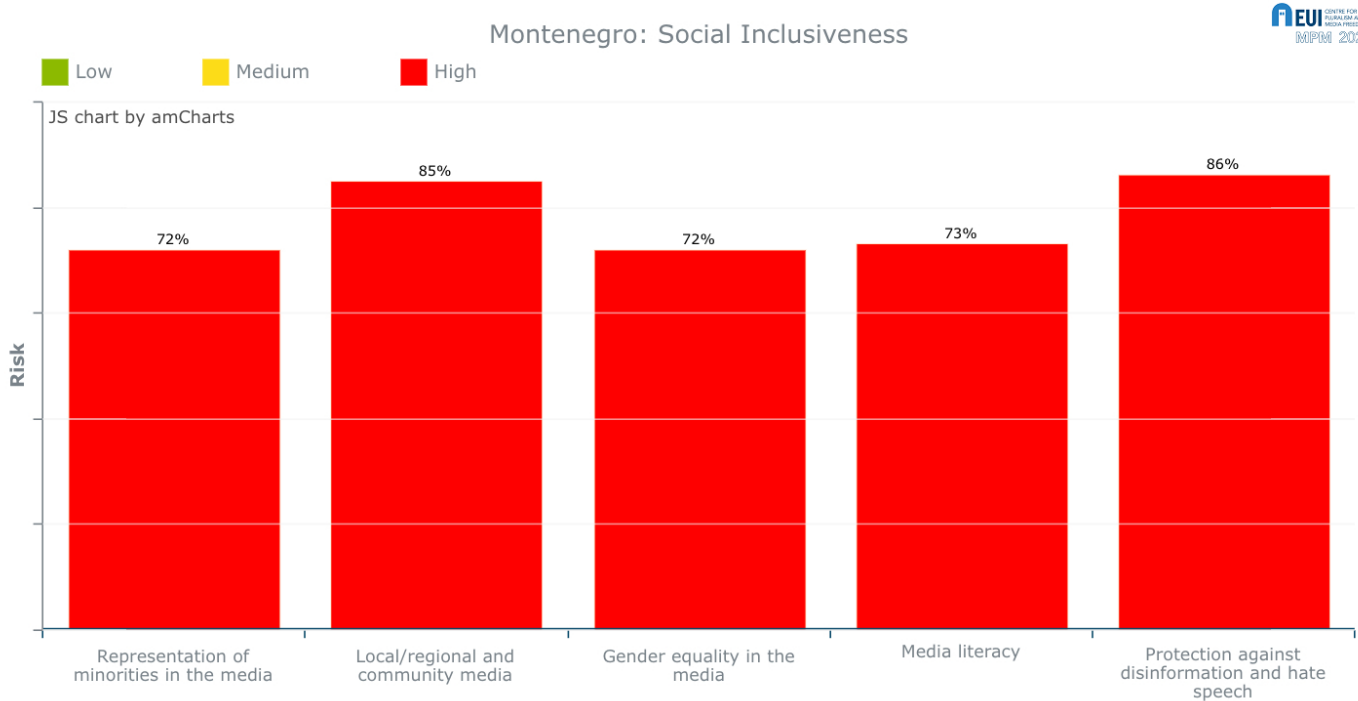
Focus on the digital environment

The area of **Political Independence** scored high risk in the digital environment (96%). Editorial policies of leading digital native media are mostly politically and ideologically biased. Two major news portals - Café del Montenegro (CdM) and Analitika are governed by companies owned by the controversial Greek businessman Petros Statis, who has been a privileged partner of the Montenegrin government during the rule of the DPS party. The news portals In4S and Borba are under the direct influence of political parties that are considered pro-Serbian and pro-Russian.

There is no national regulation addressing political advertising in online news media, so equal opportunities and transparency during the election campaign are not ensured. In August 2020, Facebook introduced the rule on identifying paid political advertising in Montenegro. Such identifiers were visible during the 2023 general and presidential elections. Political parties are bound by the Law on financing political subjects and electoral campaigns (38/2020) to report on campaign spending to the Agency for Prevention of Corruption as a supervisory body. The monitoring reports of the Agency, ^[10] show the amounts spent on Internet advertising, a category that should cover social platforms and the amounts spent on banners and advertisements on online portals. The monitoring methodology includes control of advertising on Facebook and Instagram. Other platforms, like X, TikTok, and Google have not been monitored. The rule on electoral silence before the elections (Zakon o izboru odbornika i poslanika, 109/2020), becomes absurd as the election campaigns remain active on online platforms, and institutions do not have effective mechanisms to limit them.

3.4. Social Inclusiveness (78% - high risk)

The Social Inclusiveness area focuses on the access to media by specific groups in society: minorities, local and regional communities, women and people with disabilities. It also examines the country's media literacy environment, including the digital skills of the overall population. Finally, it also includes new challenges arising from the uses of digital technologies, which are linked to the Protection against disinformation and hate speech.



The **Social Inclusiveness area** remains at high risk (78%), the same as in the previous year. Persons with disabilities still lack access to media content, women are highly underrepresented in news programs and the state still lacks proper mechanisms to fight against disinformation and hate speech.

Representation of minorities in the media is at high risk in Montenegro (73%), moving from last year's medium zone. The national public broadcaster RTCG regularly produces programs for minorities. There are special radio and television programs in Albanian and Romani languages and one weekly format for these and other minorities, but regular news programme is provided only to the Albanian minority. Besides Montenegrin, the languages in official use are: Serbian, Bosnian, Croatian and Albanian. Serbian is spoken by 43% of the population, and others by approx. 5% each. The policies and derived practice, however, are based on the census data which was held last time in 2011, while the demographic data indicate substantial changes. The new one was conducted near the end of 2023, and the fresh data will be available in 2024.

The minorities do not have access to the two top private TV and radio stations. There are two private local TV stations, as well as three local private radio stations that broadcast in Albanian.

In 2023, there were no new developments in the implementation of policies intended to improve the accessibility of media content to persons with disabilities. A new regulation was drafted in 2022, but the Parliament did not discuss it yet. Currently, the first program of the public broadcaster TVCG is the only television channel in the country that produces and broadcasts content specially adapted for people with hearing impairments, and it is limited to ten minutes of daily news program in sign language. Audio description for the visually impaired also does not exist in programs on private TV channels. National PSM only exceptionally broadcasts such content.

The indicator on **Local/regional and community media** is at high risk (84%), four percentage points down from the previous year. Most of the 25 Montenegrin municipalities have local commercial media (portals, radio and television stations), and the majority of them have local public service media. There are 6 such TV stations and 15 radio channels. Their impartiality is, however, compromised as they are financed directly by municipalities, and often biased to the ruling party in power.

Community media do not exist in Montenegro, or at least such a concept is not nascent in local legislation. In practice, in regions populated by ethnic minorities, there are privately owned media that produce content for their communities, primarily Albanian.

Local commercial media can compete each year for funds through the Media Pluralism and Diversity Fund, on a project basis.

Gender equality in the media remains at high risk (72%). In December 2023, national PBS adopted the first Gender equality plan for the period 2023-2027. One of the identified measures is the adoption of a gender equality policy regarding employment, professional advancement and decision-making (Radio i televizija Crne Gore, 2023). At the end of 2023, women held one-third of places in the RTCG Council, but there were none in directorial positions. In leading private TV outlets women make up one-half of executive positions. There are, however, fewer women in positions of editors-in-chief - only 1 out of 8 analysed leading news providers.

In the content of news programs, women are both underrepresented and depicted in stereotyped ways. According to the most recent study (Pejovic, 2022), female voices are present in the media with 26% overall, and the study suggests that the media still make a stereotypical division of male and female areas/topics. Thus women are the least present in the economy and politics sections (16% and 17%), while they are the most present in the media content that deals with "soft topics" like health, education, childcare and entertainment. Female experts are also highly underrepresented in informative and political programmes and articles in Montenegrin media. Only 26% of all media content came from a female source, and women were invited to speak in expert capacities around 3 times less than their male colleagues.

The indicator on **Media literacy** scored high risk (73%). Until now, Montenegro has not had a strategic approach to media literacy or a comprehensive, coherent policy. In the current legislation, media literacy is mentioned only in the Law on Media (82/2020) which says that the promotion of media literacy should be one of the Agency for Electronic Media competencies.

Thanks to the efforts of, primarily, the civic sector, in 2020, the National coalition for media literacy was formed which included educational institutions, media authorities, academia and CSOs, which produced guidelines, materials and training for improved school courses in media literacy. This initiative became a part of the Media strategy 2023-2027, adopted in October 2023. The Strategy envisages the formation of a National council for media literacy which would be tasked with systematic planning and monitoring of activities undertaken to improve media literacy.

In 2023, Media literacy was introduced as an optional (non-obligatory) subject in primary schools. The one-year course is offered in VII, VIII and IX (final) grades of primary schools. Previously, media literacy was introduced as an elective course in 2009 in Montenegrin grammar schools but the course is taken by just several hundred out of 32 000 high school children per year.

Since 2020, the Agency for Electronic Media has been coordinating media literacy activities. With the support of UNICEF, they organized research, campaigns and educational materials. Through programs of the NGO sector, there are ongoing, though sporadic activities aimed at promoting and improving media literacy.

The indicator of **Protection against disinformation and hate speech** is at a high-risk level of 87%. Disinformation remained a widespread problem in Montenegro during 2023. According to the public opinion survey titled Citizens' attitudes towards the impact of disinformation and foreign influence on the media (Center for Monitoring and Research, 2023), nearly 90% of citizens believe that the media tailor their reporting to the politics and ideologies they support, with almost half of them indicating that they are influenced by disinformation when it comes to the political situation.

Furthermore, Vibrant Information Barometer 2023 (IREX, 2023) states that in Montenegro, social networks and numerous websites often share disinformation. This study also shares expert opinions suggesting that foreign governments, particularly Serbia and Russia, are disseminating disinformation and hate speech through media outlets they control, aimed at undermining Montenegrin sovereignty and pro-Europe foreign policy.

There is no special or singular platform to report online hate speech. Instead, hate speech is penalized by several laws: The Criminal code (056/20), The Law on public order (056/20) the Law on the prohibition of discrimination (42/17), Media law (82/20) and the Law on electronic media (55/16), and, once reported to the authorities, the prosecutor's qualification takes every individual case to the relevant court. It has to be noted that this form of protection is quite inefficient due to the general state of the judicial system in the country.

In October 2023, the government adopted the Media strategy for 2023-2027 (Medijska Strategija Crne Gore 2023-2027 sa pratećim Akcionim planom za period 2023-2024, 2023), which envisages the establishment of a Network for the fight against hate speech, online harassment and disinformation. According to this document, such a network should include the representatives of government and academia and the timeframe for its organization and adoption of a relevant action plan is the end of 2024. Civil society initiatives are few and have a limited reach.

Focus on the digital environment

In this area, the digital score is 22 percentage points higher than the year before (91%). The comparative Eurostat data on digital skills puts Montenegro in the high-risk zone.

None of the state authorities has the mandate to monitor social media or the comments on news websites, and therefore it is not possible to quantify, analyse and systematically counter the incidents of hate speech online.

Media law (82/2020) obliges online media to block inappropriate users' comments and to delete comments that are not in line with Law, or internal rules of the media within 60 minutes.

Since August 2020, Raskrinkavanje.me, a project implemented locally by the NGO Center for Democratic Transition (CDT) has become a part of an independent fact-checking program in Montenegro launched by Meta. In this process, the fact-checking organization marks certain information as false, which should reduce its visibility in the news feed and diminish further dissemination. Its funding is transparent and without indications of political influence. There are several other civic initiatives that foster public participation in recognizing, reporting and unmasking media disinformation. One such is Digital Forensic Center, a project by the Atlantic Alliance of Montenegro. Occasional analyses are conducted by Debunk.eu and Montenegro media institute.

4. Conclusions

The Montenegrin media environment recorded a four percentage points increase in risk level to media pluralism and freedom in comparison to the previous year, which, though statistically small, reached the threshold of a high-risk zone. The area of Fundamental Protection (52%) remains within the medium-risk level, while Market Plurality (69%), Political Independence (69%) and Social Inclusiveness (78%) record high-risk scores.

In the online environment, the indicators are mostly higher due to the lack of relevant data, but also the non-existence of a regulatory framework. The area of Market Plurality (66%) falls within the middle-risk category, while the three remaining areas Fundamental Protection (72%), Social Inclusiveness (91%) and Political Independence (96%) all belong in the high-risk zone.

In Montenegro, there is room for lowering the risk levels of media pluralism in all four key areas. Some of the biggest challenges are:

Fundamental Protection

The mechanism of free access to information faces serious challenges as evident from a large number of appeals. The respect for ethical and professional norms is not on a satisfactory level, and professional organizations lack strength and solidarity.

Recommendations

- The capacities and competencies of the Agency for the protection of personal data and free access to information should be strengthened to make it able to conduct appeal procedures in a timely and efficient manner.
- National legislation still needs to be aligned with the General Data Protection Regulation (GDPR).
- The authorities should find mechanisms to promote the Code of ethics of journalists and strengthen the capacities of professional organisations that could promote/enforce the respect of professional and ethical norms.
- Further efforts are needed to provide better working conditions for journalists, primarily by encouraging the adoption of collective agreements in the media sector that would bring a more favourable socio-economic position for media workers.

Market Plurality

Rules on media ownership transparency are not fully implemented, especially in cases of media founded by foreign capital and online media. The market lacks audience measurements that could serve as the basis for monitoring market competition.

Recommendations

- Rules on transparency of media ownership should be strengthened in the field of online media. Specifically, by introducing sanctions for non-compliance to mandatory registration of digital native media.

- State media authorities should establish a register of beneficial owners of the media. It would also be recommendable to establish a single ownership register for all media and a single regulatory authority that would monitor compliance with cross-ownership rules.
- Establish a reliable system of audience measurement preferably within the media regulator.
- Introduce the safeguards of market competition and media plurality when deciding on financing the public service media by considering not only the national budget but also the scale of the media industry and its needs.

Political Independence

Existing legal solutions are not sufficient to prevent political control over PSM at the national and local levels. Political influence on commercial media is also strong, with no available safeguard to protect editorial and journalistic independence from owners' and commercial interests. Transparency of state advertising is still not fully achieved.

Recommendations

- The law on national public broadcaster RTCG should introduce safeguards as to the election of Council members to prevent the influence of the political authorities on their work and indirectly the selection of managers and editorial teams in the PSM.
- The law on electronic media should further define the manner and scope of financing local public service broadcasters from the municipal budgets, and introduce safeguards that would prevent political influence in the election of council members of local PSM.
- Appointment and dismissal of editors should be legally regulated to provide more editorial independence from media owners and advertisers.
- As the current regulation on political advertising during election campaigns applies only to traditional media, it should be revised to include internet-based news providers at equal/similar terms.
- Adherence to the existing legal provisions on transparency of state advertising should be strengthened by sanctioning measures.

Social Inclusiveness

The media lacks content for persons with disabilities. Minorities are not reciprocally represented in public broadcasters' programs. Gender and diversity policies are not implemented in public service media. The state does not offer systematic and efficient mechanisms to combat disinformation and hate speech, especially in online media and social platforms.

Recommendations

- Introduce a legal obligation to PBS to produce content accessible for persons with disabilities, and encourage private media to produce such programmes.

- Strengthen the capacities of minority redactions in public service media and introduce legal quotas for content in minority languages.
- Adopt and implement gender and diversity policies in public service media in both programming and human resources.
- Relevant media authorities should establish mechanisms for identifying and preventing disinformation and hate speech in the media. Establish the cooperation of national media authorities and global internet and social media platforms to facilitate the identification and prevention of dissemination of offensive and illegal media content.
- Encourage the development and maintenance of community media, especially media intended for vulnerable and marginalized social groups, with money from the state fund for media pluralism and diversity.

5. Notes

- [1] Due to the political instability in the country, the Parliament failed to elect the judges of the Constitutional court, which thus was not functional from September 2022 until March 2023. A similar situation persisted in the highest judiciary bodies for the first part of the year.
- [2] Initiative for Constitutional Review of Criminal Offense Causing Panic and Disorder criminalizing False News, Human Rights Action, 2020, <https://www.hraction.org/2020/01/24/initiative-for-constitutional-review-of-criminal-offense-causing-panic-and-disorder-criminalizing-false-news/?lang=en>
- [3] Amendments to the Criminal Code from 2022 introduced stricter penalties for the criminal offences of endangering security, murder, bodily harm and coercion when committed against a person performing the task of informing the public, as well as for obstructing or preventing the publication of information of public importance through the media.
- [4] <https://www.gov.me/cirt>
- [5] Art 11 of the Law on media (82/2020) requires all media to provide "simple, direct and permanent access to data on legal and natural persons that directly or indirectly have more than 5% share in the founding capital of the media, data on the related persons in terms of the law governing audiovisual media services, and data on other media founders in which these persons have more than 5% share in the founding capital".
- [6] The Law on Electronic Media (Article 132) makes it illegal for a broadcaster with national coverage to hold more than a 25% share of capital or voting right in another national broadcaster, or more than a 10% stake in a news agency or daily print media with the circulation exceeding 3,000 copies, or to concurrently publish the daily print media with the circulation exceeding 3,000 copies. Also, it is deemed that unlawful media concentration exists when a broadcaster broadcasts over the same area more than one television and one radio programme with the same or similar programme base. Also, broadcasters with local or regional coverage can not hold more than 30% stake in the founding capital of another broadcaster with regional or local coverage over the same area, or concurrently publish local daily print media over the same or in neighbouring areas
- [7] Konačni izvještaj o medijskom predstavljanju tokom kampanje za izbore za predsjednika Crne Gore /Final report on media reporting during the campaign for presidential elections in Montenegro/, 2023, Agency for electronic media Montenegro, <https://aemcg.org/wp-content/uploads/2023/04/Konacni-izvjestaj-o-medijskom-predstavljanju-tokom-kampanje-za-predsjednicke-izbore.pdf> & Konačni izvještaj o medijskom predstavljanju tokom kampanje za izbore za poslanike u Skupštini Crne Gore 2023. godine /Final report on media reporting during the campaign for parliamentary elections in Montenegro 2023/, 2023, Agency for electronic media Montenegro, <https://aemcg.org/wp-content/uploads/2023/07/Konacni-izvjestaj-o-medijskom-predstavljanju-tokom-kampanje-za-izbore-za-poslanike-u-Skupstine-Crne-Gore-2023.g.pdf>
- [8] Montenegro Early Parliamentary Elections, 11 June 2023 ODIHR Election Observation Mission Final Report, OSCE, 2023, available at: <https://www.osce.org/files/f/documents/4/9/560256.pdf> & Montenegro Presidential Election, 19 March and 2 April 2023 ODIHR Election Observation Mission Final Report, OSCE, 2023, available at: <https://www.osce.org/files/f/documents/4/8/560259.pdf>
- [9] Godišnji izvještaj o transparentnosti finansiranja medija iz javnih prihoda za period 01. 01. 2022.-31. 12. 2022. /Annual report on transparency of media financing from public revenues for the period 01 01 2022 - 31 12 2022/, 2023, Ministry of Culture and Media, <https://wapi.gov.me/download-preview/79f2f357-d517-4749-89f1-7d9e4e69ba55?version=1.0>
- [10] Izvještaj o sprovedenom nadzoru u toku izborne kampanje za izbor Predsjednika Crne Gore 2023. godine /Report on the results of control of electoral campaign for presidential elections in 2023/, Agency for prevention of

corruption, https://www.antikorupcija.me/media/documents/Izveštaj_o_sprovedenom_nadzoru-Predsjednički_izbori_2023_1.pdf

6. References

- Agency for Personal Data Protection and Free Access to Information. (2023). *Izveštaj o stanju zaštite ličnih podataka i stanju u oblasti pristupa informacijama za 2022. godinu* [Report on the state of personal data protection and free access to information in 2022]. <https://www.azlp.me/me/izvjestaji>
- Agency for Personal Data Protection and Free Access to Information. (2024). *Zloupotreba prava na slobodan pristup informacijama* [Abuse of the right to free access to information]. <https://www.azlp.me/me/agencija/20131>
- Agency for Prevention of Corruption [APC]. (2024). *Summary of the Results of the APC Work in 2023*. https://www.antikorupcija.me/media/documents/Rezime_rezultata_rada_ASK_u_2023_eng_YnQWJwh.pdf
- Camović-Veličković M, Laković-Konatar B. (2023). *Indicators of the level of media freedom and journalists safety 2022*. Trade Union of Media Montenegro. <https://sindikatomedija.me/en/publications/montenegro-indicators-on-the-level-of-media-freedom-and-journalists-safety-2022/>
- Center for Monitoring and Research. (2023). *Citizens' Views on the Influence of Disinformation and Foreign Influence on the Media*. <https://cemi.org.me/en/post/research-citizens-views-on-the-influence-of-disinformation-and-foreign-influence-on-the-media-1138>
- Electronic media law. (2016). Official Gazette of Montenegro no. 055/16. <http://aemcg.org/wp-content/uploads/2011/11/Electronic-Media-Law-17.08.2016.pdf>
- IREX. (2023). *Vibrant Information Barometer 2023 – Montenegro*. <https://www.irex.org/files/vibrant-information-barometer-2023-montenegro>
- Kodeks novinara/ki Crne Gore [Journalists' Code of Ethics Montenegro]. (2015). <https://www.osce.org/files/f/documents/2/f/255576.pdf>
- Konatar B. (2023). *Socio-ekonomski položaj medijskih radnika* [Socio-economic position of media workers]. Trade Union of Media Montenegro. <https://sindikatomedija.me/publikacije/14018/>
- Laković-Konatar B. (2021). *Socio-economic position of media workers*. Trade Union of Media Montenegro. <https://sindikatomedija.me/en/publications/socio-economic-position-of-media-workers-2021/>
- Medijska strategija Crne Gore 2023-2027 sa pratećim Akcionim planom za period 2023-2024 [Media strategy of Montenegro 2023-2027 with Action plan for 2023-2024]. (2023). Ministry of Culture and Media. <https://www.gov.me/dokumenta/b7e6dde8-74a2-4ce7-b58c-376a85ed0416>
- Mujić, S. (2021). *Can we save the local media?* Trade Union of Media Montenegro. <https://sindikatomedija.me/en/thematic-articles/can-we-save-the-local-media/>
- Nacrt Zakona o audiovizuelnim medijskim uslugama [Draft Law on audio-visual media services]. (2022). Ministry of Culture and Media. <https://www.gov.me/dokumenta/211b2c24-78d8-482b-8d4a-97a788cec357>
- Nacrt Zakona o medijima [Draft Law on Media]. (2022). Ministry of Culture and Media. <https://www.gov.me/dokumenta/23ec4e64-73e6-4765-bc00-e00b0a4c07f7>
- Pejović, D. *Rodno ogledalo medija u Crnoj Gori* [Gender mirror of the Montenegrin media]. (2022). Ministry of Human and Minority Rights and United Nations Development Program. <https://www.undp.org/cnr/montenegro/publications/rodno-ogledalo-medija-u-crnoj-gori>
- Radio i televizija Crne Gore [Radio and Television of Montenegro]. (2023). *Plan rodne ravnopravnosti I 2023-2027* [Gender equality plan I 2023-2027]. https://rtcg.me/upload//media/2023/11/8/11/40/449/1558308/PLAN_RODNE_RAVNOPRAVNOSTI_1.pdf
- Saveljić, N. (2023). *Vlasti da odustanu od disciplinovanja novinara* [Authorities should quit disciplining

journalslists]. Portal

Vijesti. <https://www.vijesti.me/vijesti/drustvo/680237/vlasti-da-odustanu-od-disciplinovanja-novinara>

Zakon o finansiranju političkih subjekata i izbornih kampanja [Law on financing political subjects and electoral campaigns]. Official Gazette of Montenegro no. 38/2020. https://www.paragraf.me/propisi-crnegore/zakon_o_finansiranju_politickih_subjekata_i_izbornih_kampanja.html

Zakon o izboru odbornika i poslanika [*Law on the Election of Councilors and Deputies*], Official Gazette of Montenegro no. 109/2020,

https://www.paragraf.me/propisi-crnegore/zakon_o_izboru_odbornika_i_poslanika.html

Zakon o medijima [Law on Media]. Official Gazette of Montenegro no.

82/2020. <https://wapi.gov.me/downloadpreview/101e4ce0-3a5e-4c04-a81a-5287551a6a82?version=1.0>

ANNEXE I. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2024 CT Leader
<i>Daniela</i>	<i>Brkic Ruzic</i>	<i>Independent Researcher</i>	<i>Independent Researcher</i>	X

ANNEXE II. GROUP OF EXPERTS

The Group of Experts is composed of specialists with a substantial knowledge and experience in the field of media. The role of the Group of Experts was to review especially sensitive/subjective evaluations drafted by the Country Team in order to maximize the objectivity of the replies given, ensuring the accuracy of the final results.

First name	Last name	Position	Institution
<i>Vuk</i>	<i>Vuković</i>	<i>Assistant Professor</i>	<i>Faculty of Dramatic Arts, University of Montenegro</i>
<i>Goran</i>	<i>Đurović</i>	<i>Director</i>	<i>Media Center</i>
<i>Milan</i>	<i>Radović</i>	<i>Program Director</i>	<i>Civic Alliance (CA)</i>
<i>Nataša</i>	<i>Ružić</i>	<i>Assistant Professor</i>	<i>University of Montenegro, Faculty of political science</i>
<i>Mihailo</i>	<i>Jovović</i>	<i>Editor-in-chief</i>	<i>Daily Vijesti</i>
<i>Jadranka</i>	<i>Vojvodić</i>	<i>Deputy Director</i>	<i>Agency for Electronic Media</i>

Research Project Report

Issue -

June 2024

doi:10.2870/995808

ISBN:978-92-9466-576-8

QM-02-24-673-EN-N



Publications Office
of the European Union

