

Transparency of media ownership in Bosnia and Herzegovina

Author: Nedim Pobrić

INTRODUCTION

Content of information is important for media users to understand the events and phenomena that the information relates to, but equally important in this context is a complete and adequate understanding of the media that transmits that information, its ownership structure, and the editors and journalists who create and distribute the information. Due to the inadequacy or non-existence of legal regulations governing the issue, that opportunity is often being denied to consumers of media content in BiH.

Information about the ownership structure of the media would have to, or at least should be available to citizens in order to be able to recognize whether political, financial or other interests are behind a particular media and to process the information conveyed to them by that media. The lack of a law regulating the transparency of media ownership in BiH has opened the space for media with an unknown ownership structure, which prevents citizens from adequately understanding the content of the posted information and from critically accessing the consumption of certain media content. Media with a purpose to discredit members of a society, organizations or institutions on the basis of inaccurate or unverified information, which by hiding information about the ownership structure leave no space for defamed persons to protect their rights through legal means, are a particular dimension of the abuse of the absence of a legal solution, as well as the inability to protect copyright in the case of theft of copyrighted media content.

The lack of a regulated media market in the context of media ownership raises the question of the quality of media pluralism, ie regulation of media concentration, and media financing by public funds, ie the existence of space for misuse of budgetary funds by financing media closely related to certain political options or individuals. The public sector is estimated to allocate around 30 million KM annually to media financing. This money is often distributed in a completely non-transparent manner and without clear criteria, which raises not only the suspicion that such buying affection of the media affects their editorial policy, but also the possibility of misuse of these funds by transferring them to the media with a ownership structure directly linked to those responsible from government institutions who "share" money.

EXISTING REGULATION

Transparency of media ownership in BiH is only partially regulated through the process of registering media-owned businesses and organizations, and through the existence of a registry of the Communications Regulatory Agency on users of audiovisual broadcasting licenses¹, which does not yet contain information on indirect and related owners and with no framework for monitoring indirect or hidden owners, the origin of capital and related interests in the media.

¹ <https://www.rak.ba/bs-Latn-BA/brdcst-license-holders>

The initiative of the Communications Regulatory Agency, which aimed at collecting data and publishing the register of direct and indirect media owners, was thwarted by the Personal Data Protection Agency. In 2017, The Communications Regulatory Agency of BiH requested the Personal Data Protection Agency to issue an opinion on the publication of the register. The answer was negative, and such opinion is based on Article 8 of the European Convention on Human Rights, which prescribes the possibility of the state interfering with the right to privacy and the processing of personal data, but only if three preconditions are created, and these are the existence of legislation, the existence of a legitimate aim and necessity in a democratic society².

In any case, the registry of the Communications Regulatory Agency would not cover print and online media, and the lack of adequate legislation is particularly reflected in the online media market, which are often not even registered as media businesses.

The Law on Communications of BiH does not treat print and online media as an object of its regulation and, in accordance with Article 1, paragraph 2 of that legal solution, is limited solely to telecommunications, radio, broadcasting (including cable television), and related services and resources³. Neither do the entity laws offer adequate solutions to regulate this area, and they contain provisions that are not implied by online media or are not sufficiently precise. There is no single register of online media, and media data, but only those established as business entities, which are „scattered” across a number of different registers, depending on the court instance where the registration was made.

Nobody knows the exact number of online media in BiH, and for many of them, information about ownership structure, financing methods and employees are completely unknown.

In the overall internet media market in BiH, those who offer at least basic information about ownership structures to the public are in the minority compared to those that offer absolutely no information. Such media contain no impressum, and they hide any information that could contribute to identifying the owner of that media. It's often done by registering international domains through services that guarantees full anonymity for only a few dollars.

Online media with a national domain (.ba) offer some transparency thanks to the information provided by the University Information Center, which is responsible for issuing „.ba” domains. On their website www.nic.ba, it is possible to determine ownership of any site with a national domain, but this information does not offer a detailed insight into the existence of indirect or affiliated owners.

The consequences of the lack of legislation regulating the issue of ownership transparency can be illustrated by the results of the „Disinformation in the Online Sphere - BiH Case Study”⁴, which found that most political misinformation media fall into the category of "anonymous portals" (online media

² Registar medija kao važan doprinos transparentnosti medijskog vlasništva u BiH, Media.ba, 14. august 2018.

<https://media.ba/bs/magazin-novinarstvo/registar-medija-u-bih>

³ <http://legalist.ba/wp-content/uploads/2014/02/Zakon-o-komunikacijama-BiH-nesluzbeni-precisceni-tekst.pdf>

⁴ https://zastone.ba/app/uploads/2019/05/Dezinformacije_u_online_sferi_Slučaj%20BiH_BHS.pdf

that do not publish any information about ownership structure and editorial), with their total number in the sample being greater than the number of all other types of media combined.

COMMITMENT ON THE ROAD TO EU MEMBERSHIP

Increasing transparency of media ownership is one of the obligations that BiH needs to implement as part of the path to EU membership. In this regard, one of the questions from the European Commission Questionnaire⁵, delivered to BiH on December 9, 2016, was related to the level of transparency of media ownership, the existence of legally defined regulations governing this area and the quality of their implementation in practice.

- There is no legislative framework in BiH regulating the transparency of media ownership - was the reply provided by the BiH institutions to the European Commission⁶.

It added that the Federation of BiH does not have a legal framework to ensure effective transparency of ownership of the media, but that the BiH Communications Regulatory Agency has adopted the Rule on Media Concentration and Ownership of Electronic and Print Media (Rule 21/2003), which clearly defined criteria for preventing concentration of ownership in the media market and which ensures more efficient ownership transparency. In the part concerning the Republika Srpska, it is pointed out that the public company Radiotelevizija Republike Srpske was founded by the Decision of the National Assembly of the Republika Srpska, and that it is an independent media, independent in performing its activities and has editorial independence and institutional autonomy.

- Other media in the Republika Srpska are formed in accordance with the positive legal regulations on the registration of business entities, and are in the Register of Business Entities of the Republika Srpska - clarifies in the part of the response related to this BiH entity.

In European Commission's Opinion on BiH's application for EU membership⁷, published on May 29, 2019, European Commission assessed, in addition to political and economic criteria, the ability to assume the obligations arising from EU membership. In this context, the segment of "information society and media" is singled out among the areas in which BiH is in the "early stage of preparedness".

The accompanying Analytical Report⁸, annexed to the Opinion on BiH's application for EU membership, emphasizes the lack of transparency regarding media ownership and the influence of political and business interests on editorial policy, which, as stated by the European Commission, raises concerns regarding the ability of the media to constantly report on political developments.

5

http://www.dei.gov.ba/dei/direkcija/sektor_strategija/Upitnik/BiHkandidatskistatus/default.aspx?id=22169&langTag=bs-BA

⁶ http://www.dei.gov.ba/dei/direkcija/sektor_strategija/Upitnik/odgovoriupitnik/Archive.aspx?langTag=bs-BA&template_id=120&pageIndex=1

⁷ <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-bosnia-and-herzegovina-opinion.pdf>

⁸ <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-bosnia-and-herzegovina-analytical-report.pdf>

The Analytical Report states that BiH must adopt a law on transparency of media ownership and establish a detailed register of media ownership in order to provide systematic insight into ownership structures, thereby preventing the risk of hidden media concentration.

The Committee of Ministers of the Council of Europe on March 7, 2018, at 1309th meeting of the Ministers' Deputies, adopted CM/Rec(2018)1⁹ Recommendation, imposing on Member States, among which is BiH, to promote a regime of transparency of media ownership that ensures the public availability and accessibility of accurate, up-to-date data concerning direct and the beneficial ownership of the media, as well as other interests that influence the strategic decision-making of the media in question or its editorial course.

- This information is necessary for media regulatory and other relevant bodies to be able to conduct informed regulatory and decision-making processes. It also enables the public to analyse and evaluate the information, ideas and opinions disseminated by the media - it is stated in the Recommendation.

It's added that media transparency requirements should be specific and include a requirement that media operating within a specific national jurisdiction disclose ownership information to the public on its website or through other publications, and submit that information to an independent national regulatory authority which is designated to collect such information and present it to the public.

It is emphasized that states should enact and implement legislative or other equally effective measures that clearly and accurately establish media obligations regarding disclosure or transparency. These obligations may include the following information:

- legal name and contact details of a media outlet;
- name(s) and contact details of the direct owner(s) with shareholdings enabling them to exercise influence on the operation and strategic decision making of the media outlet; States are recommended to apply a threshold of 5 percent shareholding for the purpose of disclosure obligations;
- name(s) and contact details of natural persons with beneficial shareholdings; Beneficial shareholding applies to natural persons who ultimately own or control shares in a media outlet or on whose behalf those shares are held, enabling them to indirectly exercise control or influence on the operation and strategic decision making of the media outlet;
- information on the nature and extent of the shareholdings or voting rights of the above legal and/or natural persons in other media, media-related or advertising companies which could lead to decision-making influence over those companies, or positions they may hold in political parties;
- name(s) of the persons with actual editorial responsibility;
- changes in ownership and control arrangements of a media outlet.

⁹ https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680790e13

The lack of transparency in media ownership is also highlighted in the US State Department's Human Rights Report for 2018¹⁰. Part of the Report on Respect for Civil Liberties in BiH states that the lack of transparency "remains a problem".

EXPERIENCES FROM THE REGION AND THE EU

In the context of transparency of media ownership and the existence and quality of the legislation treating the area, BiH is in a slightly worse position than the countries in the region.

Through amendments to the Media Act¹¹ and the Electronic Media Act¹², **the Republic of Croatia** has provided an obligation for the media to publish information about owners as individuals, not just information about legal entities, or companies that own media.

In accordance with Article 32 of the Law on Media of the Republic of Croatia, publishers are obliged to submit to the Croatian Chamber of Commerce, by January 31st each year, information on the company and the registered office, name, surname and residence of all legal and natural persons who directly or indirectly own the shares in that legal entity with the percentage of shares.

Each publisher is also obliged to submit, by January 31st each year, certified copies of the documents on the acquisition of shares or interests in that publishing house during the previous year to the Croatian Chamber of Commerce.

The same obligation is imposed on media organizations by the Law on Electronic Media of the Republic of Croatia, but the required information should be submitted to the Electronic Media Council by January 31st each year. This legal solution also addresses the issue of related parties, or persons related to management, capital or otherwise, enabling them to jointly formulate business policy, operate in accordance with the intention to achieve common goals, or to allow one person to direct another or to influence it in an important way in deciding on financing and business, or deciding on the programmatic basis of media.

Related persons are considered to be those related:

- by blood as immediate family members (parents, children, siblings, adoptive parents and adoptive parents);
- marriage or cohabitation;
- by family, as members of a spouse's immediate family;
- as holders of total business interests, shares, or other rights on the basis of which they participate in the management of other persons with at least 25 percent of the voting rights;
- in such a way that at both persons, the same person has an overall business interest, shares or other rights under which he participates in the management of each of them with at least 25 percent of the voting rights;

¹⁰ <https://ba.usembassy.gov/wp-content/uploads/sites/270/2018-Human-Rights-Report-for-Bosnia-and-Herzegovina.pdf>

¹¹ <https://www.zakon.hr/z/38/Zakon-o-medijima>

¹² <https://www.zakon.hr/z/196/Zakon-o-elektroni%C4%8Dkim-medijima>

- marketing or other contract, when they generate more than 30 percent of advertising revenue over a three-month or longer period;
- as affiliated companies within the meaning of the Companies Act;
- in such way that the members of Management Board or Supervisory Board of the company in which they perform this duty are persons who are considered to be related to the leaders of the Management Board or the Supervisory Board of that company;

The Constitution of **the Republic of Serbia** provides that "everyone is free to establish newspapers and other media without authorization, in the manner prescribed by law." The Law on Public Information and Media of the Republic of Serbia¹³ prescribes the obligation to publish impressum and make information about the media available for public. If the publisher fails to publish the impressum with prescribed content, or fails to publish it in prescribed manner, the Law stipulates fines from 100,000 to 1,000,000 dinars.

The Republic of Serbia has created preconditions for the establishment of a media register and the prevention of illicit media concentration by relevant legal solutions, but, according to relevant research, these solutions are of insufficient quality.

- The legal framework of Serbia should provide stricter criteria regarding transparency of ownership and financing of the media - says the recommendation of the European Commission in the latest Report on Serbia¹⁴.

Reporters Without Borders regularly conducts Media Ownership Monitoring in the countries worldwide. From January to December 2017, their partner, the Balkan Investigative Reporting Network (BIRN), conducted surveillance in Serbia.

- The main characteristic of media ownership in Serbia is that everything on paper often looks relatively clear and simple, but in practice this is often not the case - the BIRN analysis concludes¹⁵.

Considering transparency of ownership as a key precondition for the existence of media pluralism, the survey measured the transparency of data on political connections of media owners and, based on the results obtained in the observed sample, it was estimated that there is no full active transparency in this area, or that many data on media owners, as well as their political affiliations, become available only after research by journalists, media activists, or upon request. It was also found, among other things, that the ruling political options in Serbia have a huge influence on the media through control of advertising, directing state funds, acquaintances and influence on owners, resulting in the absence of criticism of "those in power".

The Draft Strategy for the Development of the Public Information System in the Republic of Serbia states that the necessary conditions are partially fulfilled in the context of securing public ownership through the creation of a legal framework and the establishment of a Media Register¹⁶. However, at

¹³ https://www.paragraf.rs/propisi/zakon_o_javnom_informisanju_i_medijima.html

¹⁴ <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-serbia-report.pdf>

¹⁵ <http://serbia.mom-rsf.org/rs/>

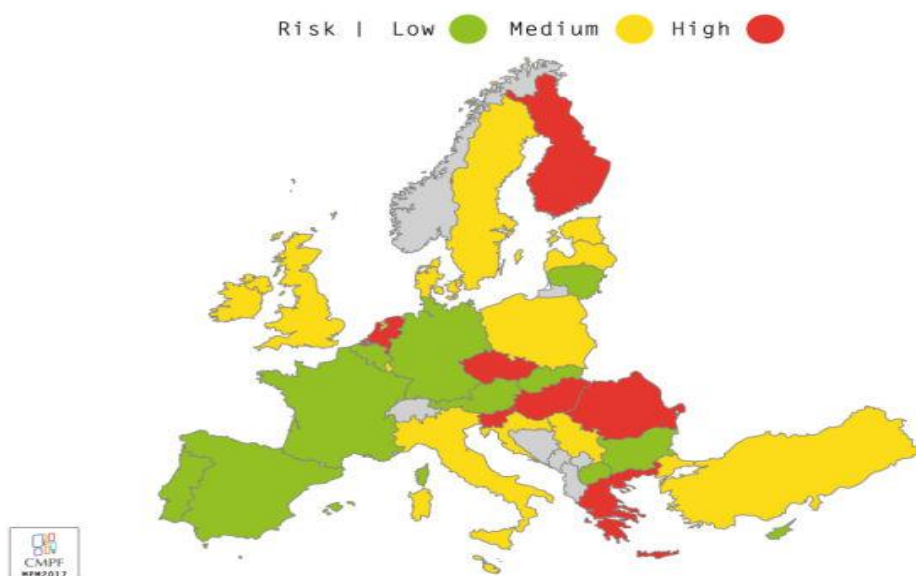
¹⁶ <https://apr.gov.rs/%d0%bf%d0%be%d1%87%d0%b5%d1%82%d0%bd%d0%b0.3.html>

the same time, it is emphasized that the existing legal framework and the volume of data entered in the Media Register does not ensure the collection of all the information needed to achieve the goals for which the register was established.

- Also, there is no mechanism in place to keep the data collected up-to-date, to be networked with data kept in other registers and to be easily accessible and searchable to users. The existing legal framework does not provide clear criteria for deletion of the media from the Register, does not contain effective sanctions for non-compliance with legal provisions or established rules on responsibility for controlling the accuracy and timeliness of data - the draft Strategy states.

The absence or lack of transparency of media ownership is not a challenge facing only BiH or the countries of the region but even the EU Member States. According to The Access Info Europe¹⁷, in only nine out of 20 European countries does the public have the opportunity to find out who the real owners of the media are, and there is no unified or standard approach to collecting or requiring disclosure to the public of media ownership data, particularly with regard to print and online media.

According to the results of the 2017 Survey of Media Pluralism in Europe¹⁸, which concerned EU members, Northern Macedonia, Serbia and Turkey, only 11 countries showed the so-called low level of risk, or the more adequately addressed issue of transparency of media ownership. These are Austria, Belgium, Bulgaria, Cyprus, France, Northern Macedonia, Germany, Lithuania, Portugal, Slovakia and Spain. On the other hand, seven countries have shown a high level of risk, and these are Slovenia, Hungary, Romania, the Netherlands, Greece, Finland and the Czech Republic, and only Hungary has a legally defined obligation to disclose ownership structures directly to the public, but still with no legal requirements to disclose to the public information about the ultimate owners of media outlets.



Indicator on Transparency of media ownership - Map of risks per country

¹⁷ <https://www.access-info.org/tmo/12110>

¹⁸ <http://cmpf.eu.eu/media-pluralism-monitor/mpm-2017-2/>

Germany is often singled out as a successful example among EU member states, in which competent institutions from all states annually publish lists containing media information, which are also available on the website of the Independent Media Concentration Commission (KEK), www.kek-online.de. KEK's database shows very clearly the relationship between different holdings in the media organizations that are covered and could, according to experts, serve as a useful template for countries that still need to adopt or are in the process of modifying such databases.

The legal basis is the Inter-Provincial Broadcasting and Telemedia Agreement (RStV)¹⁹, which has been effective from April 1st 2010. The Inter-Provincial Treaty is a federal law that has laid down the framework for uniform national broadcasting regulations throughout Germany. It serves to harmonize state law in all major aspects of broadcasting and to prevent a German states from adopting laws that differ in any degree.

The information, provided on an annual basis, must also include related persons, which are clearly defined and imply the widest relatives with whom there may not even be a blood relationship or formal marital relationship. If the radio or television station violates the obligations stipulated by this Law, the penalty shall be as high as EUR 500,000. The amount of the sentence and clearly prescribed frameworks have resulted in no sentence being imposed to date for violating the Act.

However, print and online media market in Germany is not adequately regulated and there is no legal solution covering that market. Only five of the 16 federal laws on print media contain any provisions regarding the obligation to publish ownership information. The provisions that exist, according to The Access Info Europe's report²⁰, are complex and vague, meaning that it is not possible to determine ownership of print media in any state. Usually owners are required to publish details of ownership in their newspapers at intervals of one to several times a year, including the name, address of the owner and shareholders. There is no precise specification as to whether the information on indirect owners is provided.

Austria has an adequate example of a well-resolved ownership transparency issue and media financing, and this model is often labeled as the most effective in Europe.

According to the Law on Media Transparency²¹, which came into force on January 1, 2012, it is possible to find out who owns print, online and electronic media based on information that is directly published to the public. All media must disclose sufficient information to the public to identify their beneficial owners, both direct and indirect, including information on all equity interests.

When it comes to online media, this information must be constantly available and electronic media are required to publish the information in teletext or the official newspaper. The obligation to disclose shareholder names, regardless of the size of their holdings, and the obligation to disclose the beneficial owners make Austrian law one of the most advanced in Europe. The key disadvantage,

¹⁹ https://www.rlp.de/fileadmin/rlp-stk/pdf-Dateien/Medienpolitik/19_Staatsvertrag_zur_Aenderung_rundfunkrechtlicher_Staatsvertraege.pdf

²⁰ <https://www.access-info.org/tmo/12129>

²¹ https://www.access-info.org/wp-content/uploads/fname_237490.pdf

however, is that foreign media, ie those registered abroad, are not covered by it, unless such media is fully or almost exclusively distributed within Austria, which is usually not the case.

Radio and television stations must also report ownership information, which is submitted to the Communications Agency KommAustria, under the Audiovisual Media Services Act²² or the Private Radio Stations Act²³. The public, however, does not have the opportunity to identify the actual owners, as KommAustria publishes data that is not understandable to those who are not experts in the field, and KommAustria does not even have data on shareholders with a stake of less than 25 percent. The National Audit Office of Rechnungshof checks that the information provided is complete, and in the event of breach of obligations, penalties of up to EUR 20,000 and EUR 60,000, respectively, for repetition are foreseen.

This law also regulates the transparency of media financing by public funds and prescribes obligations for institutions that are obliged to provide information on a regular basis.

ACTIVITIES CONDUCTED IN BOSNIA AND HERZEGOVINA

Despite the need to regulate this issue, and especially the clear orders of international institutions, the institutional steps taken so far are almost negligible and it is difficult to expect a major shift in the near future.

The BiH Ministry of Communications and Transport has formed a Working Group in charge of drafting laws on electronic communications and electronic media. According to the Ministry, this draft law will regulate the area of transparency of media ownership and limit the concentration of media ownership, but will not cover print media.

- So far, the Working Group has preliminary defined the draft text of the law in the field of electronic communications, as well as 80 percent of the areas regulated by this law, related to electronic communications - the Ministry of Communications and Transport of BiH said.

They point out that the drafting was further slowed down by the new European Union Directive on the European Electronic Communications Code 2018/1972 of the European Parliament and the Council²⁴, which entered into force in December 2018, but that the draft, as they said, is aligned as much as possible with by this Directive.

- The Working Group has not yet begun work on defining a legal norm regarding the transparency of media ownership and limiting the concentration of media ownership - the BiH Ministry of Communications and Transport acknowledges.

The members of the Working Group in charge of drafting the law were delegated by the BiH Communications Regulatory Agency, the BiH Directorate for European Integration and the BiH Ministry of Communications and Transport. As part of the drafting of the legislative solution,

²² https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Erv&Dokumentnummer=ERV_2001_1_20

²³ <https://eur-lex.europa.eu/legal-content/HR/TXT/PDF/?uri=CELEX:32018L1972&from=EN>

²⁴ <https://eur-lex.europa.eu/legal-content/HR/TXT/PDF/?uri=CELEX:32018L1972&from=EN>

electronic public consultations are foreseen through the eKonsultacije portal, and the Ministry is also obliged to obtain the opinions of all relevant institutions at Entity levels and Brcko District, as well as competent institutions at the state level.

The Work Program of the Council of Ministers of BiH for 2019 plans to submit this draft law to the General Secretariat of the Council of Ministers of BiH for inclusion in the agenda and the establishment of the draft law. However, the deadline will definitely not be respected, citing the aforementioned European Union Directive as a reason from the Ministry. The realistic deadline for submission to the Secretariat-General is estimated in the second half of 2020.

Unlike the government, the most significant steps in drafting a law to regulate the transparency of media ownership were made by the civil sector, with the support of international institutions.

The Delegation of the European Union to BiH funded the implementation of the Media and Public Reputation project²⁵, which aimed to promote transparency of media ownership and legitimate forms of media financing and advertising in BiH. The project was implemented by a Consortium consisting of the Association BH novinari, the Mediacentar Foundation, the Press Council and Online Media in BiH and the NGO JaBiHEU.

After just over two years of project implementation, and 18 events attended by more than 500 journalists, editors, media owners, representatives of government institutions, the advertising industry, the academic and international community, and the civil sector, as well as a number of accompanying activities, at the closing conference of this project the Draft Law on Transparency of Ownership and Protection of Media Pluralism in BiH was presented²⁶.

During the presentation of the Draft Law, the then Minister of Communications and Transport of BiH, Ismir Jusko, emphasized the importance of cooperation between state institutions, governmental and non-governmental organizations in passing specific legal solutions.

- These laws will change a lot in the media and the ministry is actively involved in drafting the law, but we do not know if other political factors will ultimately be agreed and we cannot influence it, but we hope that the law will be supported - said Jusko.

However, nine months later, the BiH Ministry of Communications and Transport pointed out that they were aware of the fact that activities were carried out with the aim of drafting the Law, but that they "did not know at what stage this Draft Law was being drafted", which is rather indicative of the state institutions approach, in the specific case of the line ministry, to exigency of the legal regulation of this area.

²⁵ EU started project „Media and Public Reputation“, Europa.ba, november 21st 2016, <https://europa.ba/?p=46054>

²⁶ Draft laws on transparency of media ownership and advertising presented in Sarajevo, Bhnovinari.ba, December 17th 2018, <https://bhnovinari.ba/bs/2018/12/17/u-sarajevu-predstavljani-nacrti-zakona-o-transparentnosti-medijskog-vlasnistva-i-oglasavanja/>

On the other hand, BH Journalists Association points out that representatives of the Ministry of Communications and Transport were present at several events organized by a consortium that conducted the project "Media and Public Reputation" and that it is not true that they did not know at what stage the was the draft law.

- Representatives of the Ministry were also present at the final conference on December 17, 2018 in Sarajevo, at which they received draft laws on transparency of media ownership and advertising, explanations of the law and special procedures for financing media from public budgets. At the beginning of 2019, we sent all these documents to the same persons by e-mail, and at the end, a hard copy of all the documents was delivered to the Ministry through protocols. Also, at the beginning of the year, BH Journalists submitted drafts by e-mail to the addresses of 16 relevant institutions and organizations in BiH - says Secretary General of BH Journalists Association, Borka Rudic.

As one of the motives why the BiH Ministry of Communications and Transport, that is, political elites that influence the work of the Ministry, do not want to consider legal solutions drafted by the expert community, Rudic believes is a deep intrusion into intolerable clientelist practices between the media and public institutions by limiting the space open to the opacity of media ownership and financing.

The basic guidelines underpinning the Draft Law on Transparency of Ownership and Protection of Media Pluralism in BiH are contained in the report " In search for better regulation of transparency of ownership and public financing of media"²⁷.

NECESSARY STEPS

Adopting an adequate law regulating the issue of transparency of media ownership is, in addition to the fact that it is an obligation on the path to EU membership, a necessary step towards improving the quality of media and media reporting, the degree of media freedom, and consequent market regulation would entail restricting space for abuse. The adoption and proper implementation of such a legal solution can play an important role in terms of media pluralism and contribute to increased media accountability.

The Law on Transparency of Media Ownership should cover all media sectors, from radio and TV broadcasters, through print media and agencies to online media, as well as media-related sectors, such as agencies that measure viewership.

Following on from the positive experiences from the EU Member States, whose legal standards BiH should strive to reach, there are several basic elements that a legal solution should contain:

- obligation to provide information on direct owners and all owners of units larger than five percent;
- obligation to provide information on indirect owners, or all legal entities that have a stake in the ownership;

²⁷ <https://europa.ba/wp-content/uploads/2017/11/transparency-ownership-financing-media-eng.pdf>

- obligation to provide information on related ownership, or any other property of all owners of a media interest;
- obligation to provide information on the related interests of the owner;
- obligation to provide information on the interests of related legal and natural persons, such as family members or associates, but with previously clearly defined types of links covered by this legislation;
- obligation to provide information on sources of revenue through the submission of annual reports;
- obligation to provide information on the management of the company and the editor-in-chief;
- changes in ownership structure should be reported to the competent state institutions within ten days;
- data on the centralized register should be updated at least once a year;
- access to the centralized registry should be free of charge;

It is also necessary to authorize and create the preconditions for adequate capacity-building of data collection institutions. In doing so, it is necessary to eliminate the possibility of misuse of the ownership transparency system for covert control and control of the media in such a way as to limit the authority of the institution solely to collecting ownership information, and that the process of registration is run by institutions with a greater degree of political independence.