



Montenegro
COUNCIL OF THE AGENCY FOR ELECTRONIC MEDIA

RULEBOOK
ON PROGRAMME STANDARDS
IN THE ELECTRONIC MEDIA

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Podgorica, January 2016

Pursuant to Article 14, indent 9 of the Electronic Media Law ("Official Gazette of Montenegro," No. 46/10), at the meeting held on 11 July 2011, the Council of the Agency for Electronic Media adopted

**RULEBOOK
ON PROGRAMME STANDARDS
IN THE ELECTRONIC MEDIA**

I BASIC PROVISIONS

Article 1

This Rulebook prescribes programme standards for the electronic media in compliance with the Media Law, Electronic Media Law and other national and international legal documents.

Article 2

- (1) Electronic media are free in production and editing of their programmes, with the obligation to observe professional, moral, ethical, and aesthetic standards.
- (2) The provisions of this Rulebook shall not be interpreted in any way that allows censorship or limitation of the right to freedom of expression.

Article 3

The main purpose of this Rulebook is to provide a consistent application of the Electronic Media Law and professional standards in the electronic media programmes, and contribute to free, correct, complete, impartial and timely dissemination of information to the public; observance and promotion of fundamental human rights and freedoms, democratic values and institutions and pluralism of ideas; improvement of the culture of public dialogue and observance of linguistic standards.

Article 4

- (1) The terms used in this Rulebook shall have the following meaning:
 - a) Hate speech: all forms of incitement to, enabling incitement to or spreading of hatred or discrimination on the grounds of race, ethnicity, skin colour, sex, language, religion, political or other belief, national or social origin, property status, trade union membership, education, social status, marital or family status, age, health condition, disability, genetic inheritance, gender identity or sex orientation;
 - b) Public interest: interest of the public to have access to information on the issues and events of importance to the society in general, including but not limited to the protection of public health and safety, revealing crime, prevention of public deception, exposure of incompetence or corruption in public office, etc;
 - c) Vulnerable persons: people with challenged social, psychological and/or health condition, including the persons with developmental impairments, health and mental problems, persons with psychological conditions, persons suffering memory loss, ill persons, traumatized persons, victims of violence and the families of missing or killed people;
 - d) Quackery: a treatment or any other medical activity without the required professional qualification;
 - e) Parapsychology: a pseudoscience dealing with unexplainable phenomena, including the area outside the medical and psychological reality that cannot be scientifically proved;
 - f) Occultism: a discipline dealing with the phenomena that cannot be explained on the basis of natural laws, interpreted as forbidden knowledge unavailable to most people, but only to the individuals who examine the spiritual reality that exists outside of the domain of sensory perception;
 - g) Paranormal phenomena: phenomena involving the experiences outside of normal, which can be scientifically proved;
 - h) Minor: a person under 18 years of age;

- i) Principle of objectivity: an obligation of the electronic media to present all points of view in their news programmes, in an objective manner, without editorial interventions and comment favouring anybody, or inaccurately presenting the subject of the news programme. If there is an interest shared by an electronic media outlet and individuals and/or organizations, it must be clearly identified in the programme;
- j) Principle of impartiality: an obligation of the electronic media to clearly separate factual reporting from the positions, opinions or comments, not allowing the personal convictions and opinions of editors and journalist to have a discriminatory effect on the selection of subject and the manner of its presentation. Adherence to this principle eliminates the possibility of manipulation with statements, press releases, and similar contents, aimed at changing their actual meaning (malevolent abridgement or editing of a part of the content, etc.) or manipulation with images, tone or contents distorting the original meaning of the statement;
- k) Principle of accuracy: an obligation of the electronic media to relay on the facts in their reporting, or a prohibition of broadcasting the news and reports they know or could know to be inaccurate. The news and reports that could not be verified, or whose accuracy has not been established with certainty, may be broadcast only if they are clearly identified as unofficial or unconfirmed;
- l) Principle of freedom to comment: freedom of the electronic media to comment on the phenomena, events and actions of the individuals, public authorities, political parties and other institutions, as well as an obligation to clearly separate their comments from other news and information, especially those related to the same topic;
- m) Hear the other side rule: an obligation of the electronic media reporting on the issues involving any kind of conflict to provide all parties involved in the dispute an opportunity to equally participate in the debate. This principle does not allow one-sided attacks on individuals, and long or repeated campaigns against individuals, social groups or institutions, without new relevant information justifying an extended or repeated reporting on the same phenomenon, event, institution or individual.
- n) dangerous behaviour: behaviour which puts oneself or others in jeopardy, which could be easily imitated by a minor;
- o) fiction: the content portraying imaginary events, phenomena, or persons, or real events, phenomena, or persons reconstructed through an adequate artistic process;
- p) non-fiction: the content portraying events, phenomena, or persons perceived (accepted) as real by viewers or listeners;
- q) reality: the content primarily aimed to entertain, portraying in the natural or artificial environment (e.g. artificially created community in a physically limited area) how one or more participants behave in the predicted, spontaneous or other situations (e.g. cohabitation in a community, mutual communication, work, leisure, solving predefined or unpredicted concrete problems, etc.) over a period of time, in which the participants take part in order to obtain certain material or non-material gain;
- p) pseudo-reality: the content portraying certain authentic or fictitious situations, according to a previously defined script;
- r) erotic programme: the content portraying naked human bodies in sexual intercourse or naked bodies alone, without explicit scenes of sexual intercourse (penetration, oral sex, masturbation, etc.) or genitalia, but in the context of a sexual activity;
- s) pornography: explicit portrayal of genitalia or sexual intercourse without particular programming or artistic justification;
- t) sexual violence: the behaviour forcing another person to sexual intercourse or touching their intimate parts by using force or coercion;
- u) portrayal of sexuality: touching of intimate body parts portrayed in order to stimulate the sex drive or portrayal of a sexual intercourse.

- (2) Other terms used in this Rulebook shall have the meaning as defined by Article 8 of the Electronic Media Law.
- (3) All terms used in this Rulebook for male natural persons shall refer to the female gender as well.

II GENERAL PROGRAMME STANDARDS

1. Freedom and accountability

Article 5

- (1) Broadcasters shall be accountable for the content they publish, regardless of its source, as well as for the professional activities of their employees.
- (2) The content referred to in paragraph 1 of this Article includes the produced, bought, retransmitted and exchanged programme, programme announcements, text messages and all other forms of involvement of the audience in the production of programme, as well as all other forms of audiovisual commercial communications.

2. Prohibited programmes

Article 6

The electronic media shall be prohibited from broadcasting the programme that:

- a) violates the guaranteed freedoms and rights of people and citizens;
- b) Instigates, promotes or encourages illegal change of constitutional order and/or threatens national security;
- c) includes pornography in an unencrypted form;
- d) stimulates, enables instigation or spreads hate speech;
- e) encourages or supports drug abuse and other forms of criminal behaviour;
- f) incites to violence and unrest;
- g) abuses the credulity of viewers and listeners;
- h) could obviously impair physical, mental or moral development or well-being of minors or other vulnerable persons;
- i) publishes information revealing the identity of minors involved in a case of any form of violence or crime, either as witnesses, victims or perpetrators and, in that context, reveals details from the family relations and their private lives;
- j) publishes information revealing the identity of minors involved in the cases of suicide attempt, or suicide of a minor, custody, foster care, adoption of minors, or related to the minors whose parents are serving a prison sentence;
- k) presents in any form, encourages or justifies the abuse of alcohol, drugs, psychoactive substances as an acceptable behaviour;
- l) presents or encourages gambling and other games of chance as a recommendable lifestyle.

3. News programmes

Article 7

The broadcasters that produce (edit and broadcast) news programmes are obliged to do that in a professional and responsible manner, contributing to:

- a) provision of information to the public about the events in the country and abroad in a free, accurate, comprehensive, impartial and timely manner;

- b) adherence to and promotion of the fundamental human rights and freedoms, democratic values, institutions and pluralism of ideas.

Article 8

- (1) In the production of news programmes, the electronic media are obliged to observe the principles of objectivity, impartiality, timeliness, accuracy, non-discrimination, freedom to comment, and hear the other side rule.
- (2) The events shall be presented accurately, and different approaches and opinions shall be presented in a professional and fair manner.
- (3) Opinions and comments shall be separated from the factual reporting, and their source or author clearly recognizable.

Article 9

At a written request of the public administration authorities or a public institution, the broadcasters are obliged to publish, free of charge, the announcements and official press releases, in the event of danger for the lives and health of people, national security or public order.

Article 10

The broadcasters are obliged to separately announce, with an adequate warning, all programmes, including the parts of news and other programmes, containing the images, audio recordings, or direct portrayal of violence and natural disasters, images of victims or after-effects of an accident, which could disturb the audience.

Article 11

- (1) Programmes, especially news, political and current affairs programmes, shall be fair and balanced, which can be achieved by publishing conflicting opinions, either in the same or a series of other programmes, which together make the whole in addressing certain topic.
- (2) Programmes shall not tendentiously promote the interests of a political party of any group or individual, especially if such content is broadcast repeatedly over a certain period.
- (3) Anchors and reporters, authors of the programmes, moderators in news, political and current affairs programmes, debates and discussions may express their personal views and opinions on controversial political, economic, and other topics of public interest, which must be clearly identified, enabling the audience to recognize them as such.
- (4) Persons referred to in paragraph 3 of this Article shall not abuse the advantage of their regular presence in programmes to promote their views and opinions in such a way as to disturb the necessary impartiality and balance.
- (5) Newsreaders are obliged to limit themselves to an impartial dissemination of information, without giving their personal opinions, in either verbal or non-verbal communication.

III SPECIAL PROGRAMME STANDARDS

1. Protection of privacy

Article 12

- (1) The electronic media programmes shall not violate the privacy of individuals by publishing information concerning their private life, without their knowledge and consent, except in case of an overriding public interest.
- (2) Every violation of privacy shall be justified by an overriding public interest, especially when minors and people who are not public figures or in the public spotlight are in question.
- (3) When the programmes include the statements concerning the improper activities or incompetence, or contain negative connotations concerning certain person or organization, the people whose names have

been mentioned shall be provided an opportunity to participate in the programme and comment on these statements.

- (4) The obligation referred to in paragraph 3 of this Article shall not apply to the information that cannot be broadcast with a delay, in which case these persons or organizations would be contacted as soon as possible.

Article 13

- (1) In the programmes of the electronic media containing the scenes of violence, after-effects of violence or natural catastrophes, the media are obliged to consistently apply professional and ethical standards of journalists' code of conduct, and appropriately inform the public, expressing compassion and eliminating any risk of sensationalism.
- (2) In the reports on accidents or family tragedies, the right of victims or other affected persons to privacy must be respected.
- (3) If the archive material is used during the programme broadcasting, containing data on persons, accidents, violence, mental consequences of violence, somebody's death, etc. The electronic media are obliged to take into consideration possible distressing effects on the survivals or family of victims in cases when certain scenes of the event (accidents, serious incidents, funerals, etc.) are used as illustrations in the programme.
- (4) The persons in a state of shock shall not be exposed to pressure of giving interviews or participating in the television and radio programmes.

Article 14

- (1) Minors and vulnerable persons who are not capable of taking care of themselves shall not be interviewed about private matters without a written consent of their parents or guardians, except when a difficult position of minors or vulnerable persons is discussed, for the purpose of encouraging the public to provide support.
- (2) In the programmes referred to in paragraph 1 of this Article, the identity and personal data of minors or vulnerable persons shall not be revealed, in case when there is a justified reason to believe that their publication could jeopardize their interest or dignity.
- (3) The images of minors with developmental impairments shall not be used for any purpose that is not in compliance with the observance of their rights and human dignity.

Article 15

- (1) Consent is not necessary for the broadcasting of video materials portraying anonymous members of the public, in wide shots, without the possibility of clear identification and unrelated to any controversial topic, if it is clear that they have not been filmed on purpose.
- (2) If random passers-by are filmed and interviewed on the street during the surveys, "hidden camera" shows, etc. the material may be broadcast only if they provide their consent.

Article 16

The electronic media shall not broadcast the recorded statements or telephone conversations if the persons giving the statement have not given their consent for the conversation to be recorded and used in the programme.

2. Offensive language and hate speech

Article 17

- (1) Programmes of the electronic media shall not be aimed at violating the guaranteed human freedoms and human and citizen rights or provoking national, racial and religious intolerance of hatred.
- (2) The electronic media shall not broadcast the programmes promoting the belonging to an ethnic group, sex or sexual orientation as a form of discrimination.

- (3) The electronic media are obliged to avoid using offensive terms that might be associated with certain social group.

Article 18

Broadcasting of the programmes referred to in Article 17 is allowed if they are a part of scientific, author's or documentary work, published:

- a) with no intention to instigate discrimination, hatred or violence, or as a part of an objective report;
- b) with the intention of critically pointing at the discrimination, hatred, violence or factors that instigate or could instigate such a behaviour.

3. Protection of minors

Article 19

- (1) In television broadcasting, there is a watershed between 11 p.m. and 6 a.m.
- (2) The programmes intended for the adults only, which could have detrimental effect on or consequences for the minors, shall be broadcast only within the watershed, in compliance with this Rulebook.

Article 20

- (1) When publishing the information on any form of violence and the related role of minors, the identity of minors shall always be protected by scrambled or blurred image and modulated tone, making them unrecognizable.
- (2) Personal data of minors and details from their family relations and private life shall not be published in the cases when it could result in the violation of their interests or dignity.
- (3) The information on the ongoing criminal proceedings against minors and the related court decisions shall not be published.
- (4) A binding court decision in the proceedings against minors can be published, without providing their personal data or other information on the basis of which their identity could be established.
- (5) When publishing the information related to criminal cases, the electronic media are obliged to pay special attention to the vulnerable position of minors involved in these cases, either as a victims, witnesses or perpetrators.
- (6) Identity of a minor convicted of a crime by a binding decision may be revealed in the programme only if there is an overriding public interest.

Article 21

- (1) Minors are allowed to directly participate in the programmes only with prior written consent of their parents, guardians, custodians, stepparents, or persons in charge of their care, education or training.
- (2) Exceptionally, the minors may participate in the news and entertainment programmes without prior consent of the persons referred to in paragraph 1 of this Article, only if it is necessary for the timely coverage of the topical issues.
- (3) Regardless of the consent for participation in programmes provided by the persons referred to in paragraph 1 of this Article, the minors shall not be insulted or disrespected in any way.
- (4) Entertainment programmes shall not use family conflicts to entertain the audience, impairing the development of children in that way.
- (5) The prizes awarded to minors shall be suitable for their age.
- (6) Direct participation of minors in the programmes shall not provoke anxiety or fear of the minors, or impair their physical, mental or emotional well-being and dignity.
- (7) The electronic media shall not solicit the opinion of the minors, related to the private family matters or topics that can be beyond their understanding.

- (8) Minors shall not participate in the programmes that include discussions about the adequacy of their custody with one parent or the other, acceptability of their departure from home, living with a foster family, or adoption, or the harm caused by the behaviour of either of the parents.
- (9) Minors shall not be used for political purposes.

Article 22

- (1) The electronic media are obliged to provide prior acoustic and visual (written and graphic) identification of the programmes that could impair the physical condition, health, moral, mental, intellectual, emotional and social development of minors.
- (2) The programmes referred to in paragraph 1 of this Article shall be clearly identified by a visual symbol throughout the programme, and broadcast at the time and in the way least likely for minors to watch or listen to in normal circumstances.
- (3) Minors shall not be carelessly and unreasonably shown in dangerous situations.
- (4) Minors in the crisis situations shall not be interviewed (e.g. children who ran away from home, attempted suicide, used by the adults to commit a crime, whose parents are serving a prison sentence, etc.) and their anonymity shall be ensured in the coverage of these situations.
- (5) The parts of news programmes that could impair the physical, mental or moral development of minors shall be announced by a warning that disturbing or violent scenes are to follow.
- (6) The consummation of tobacco or tobacco products, alcohol and narcotics shall not be portrayed in the programmes targeting primarily minors, except if they are identified as harmful.
- (7) All forms of violence or dangerous behaviour easily imitable by minors shall not be portrayed in the programmes targeting primarily minors, except if they are identified as harmful.
- (8) When portraying a reconstruction of a crime, violence or other harmful behaviour, electronic media are obliged to display, throughout the programme, a visual warning that it is reconstruction of an event.

4. Written and acoustic warning and graphical signs

Article 23

- (1) Written and acoustic warning shall immediately precede the identified programme, in a form of telop with the following text: The following programme is not suitable for minors under the age of 12, 16 or 18," simultaneously read by a presenter.
- (2) The graphical sign shall be in a form of circle with a red number, which shall be clearly visible, displayed in the upper corner of the screen, opposite to the usual place of the media identification sign, throughout the identified programme.
- (3) For the purpose of this Rulebook, the following graphical signs shall be used for adequate programmes:
 - a) graphical sign 12;
 - b) graphical sign 16;
 - c) graphical sign 18.

Article 23a

- (1) When categorizing contents, the following should be taken into consideration:
 - a. if they portray: violence and its consequences; sexual violence; naked human body; sexuality; horror scenes; smoking and abuse of narcotics, alcohol or other harmful substances; dangerous behaviour; discrimination or offensive behaviour;
 - b. in which context the contents referred to in point a) of this paragraph are portrayed, especially:

- i. the purpose and nature of the content that could harm physical, health, mental, moral, intellectual, emotional and social development of minors;
 - ii. if certain contents are broadcast by a general or specialized electronic media outlet;
 - iii. if it is a fictional or non-fictional content;
 - iv. the degree of realism in portraying potentially harmful contents;
 - v. the number, duration, frequency, intensity (the degree of audio, visual or verbal emphasis) and details in the portrayal of content that could harm physical, health, moral mental, intellectual, emotional and social development of minors;
 - vi. the expected effect of the content on viewers or listeners, especially the environment in which the content that could harm physical, health, mental, moral, intellectual, emotional and social development of minors is portrayed;
 - vii. what attitude has been taken in the programme towards violence, substance abuse, dangerous behaviour, or discrimination.
- (2) The contents that could harm physical, health, mental, moral, intellectual, emotional and social development of minors shall be categorized in line with the criteria referred to in paragraph 1 of this article, following an assessment if every individual criterion and all criteria have been met.

Article 23b

- (1) The graphical sign 12 is displayed for the contents that are not intended for minors under the age of 12, including occasional, moderately long, moderately intensive and moderately detailed portrayal of contents referred to in article 23a, paragraph 1 of this Rulebook, which are not, given the context, inappropriate for minors aged 12 and older, and have the following characteristics:
- a) occasional portrayal of moderate violence and its consequences, while severe violence and its consequences may be portrayed for a short period of time and without details.
 - b) exceptional, short and rare portrayal of the scenes of severe violence and its consequences may be present in the contents if it is justified by its educational purpose;
 - c) sexual violence is not portrayed, but it may be implied that it happened in the course of the action;
 - d) naked human body may be portrayed, but not in the sexual context;
 - e) sexuality may be portrayed occasionally in a discreet manner;
 - f) portrayal of horror scenes may be moderate, but they may not be frequent and emphasized;
 - g) portrayal of smoking and abuse of narcotics, alcohol and other harmful substances shall not be frequent, nor shall the relevance or effects of the abuse be portrayed as entertaining or less important than they are in the real life;
 - h) dangerous behaviour shall not be portrayed in detail, nor shall a positive attitude be taken towards such a behaviour as a whole;
 - i) discriminatory behaviour shall not be portrayed with a positive attitude towards such a behaviour, nor shall it be portrayed as if it has been combined with violence;
 - j) occasional offensive behaviour is allowed, but it shall not be frequent nor shall it be presented as a model of communication, while particularly offensive behaviour may be present for a short period of time, but never when used as an act of aggression or an insult.

Article 24

- (1) The graphical sign 16 is displayed for the contents that are not intended for minors under the age of 16, including frequent, long, intensive and detailed portrayal of contents referred to in article 23a paragraph 1 of this Rulebook, which are not, given the context, inappropriate for minors aged 16 and older, and have the following characteristics:
- a) severe violence and its consequences may be portrayed in detail, but the contents shall not focus on the scenes in which they are portrayed in detail;
 - b) sexual violence may be portrayed in a discreet manner, without focus on the details of such a behaviour and suffering of a victim;

- c) there are no limitations concerning the portrayal of a naked human body, if it is not portrayed in a sexual context, while the portrayal in that context shall not be detailed;
 - d) sexuality may be portrayed frequently, but without any details, unless portrayed for sexual or health education purposes;
 - e) horror scenes may be portrayed frequently and in an intensive manner, but only if they are not a consequence of sadistic or sexual behaviour;
 - f) portrayal of smoking and abuse of narcotics, alcohol and other harmful substances may be frequent, but the content as a whole shall not have a positive attitude towards such a behaviour;
 - g) dangerous behaviour may be portrayed in detail, but the content shall not focus on the scenes portraying such a behaviour in detail, nor shall the programme have a positive attitude towards such a behaviour;
 - h) discriminatory behaviour may be portrayed even if combined with violence, but the content as a whole shall have a negative attitude towards such a behaviour;
 - i) very offensive behaviour may be frequent, but the most acute forms of offensive behaviour may be portrayed only for a short period of time, but never when used as an act of aggression or an insult.
- (2) The graphical sign 16 shall be displayed for the pseudo-reality contents, live programmes or footage of extreme sports that may include severe violence.
- (3) The contents with the sign 16 shall be broadcast between 10 p.m. and 6 a.m. only.

Article 25

- (1) The graphical sign 18 is displayed for the contents that are not intended for minors under the age of 18, including very frequent, very long, very intensive and very detailed portrayal of contents referred to in article 23a paragraph 1 of this Rulebook, which have the following characteristics:
- a) particular focus on detailed portrayal of severe violence and its terrifying consequences;
 - b) portrayal of the sexual violence, with a particular focus placed on the details of such a behaviour and suffering of a victim;
 - c) detailed portrayal of sexuality, if the main purpose of the content is not to stimulate the sex drive;
 - d) portrayal of the erotic content;
 - e) very detailed and very intensive presence of horror scenes;
 - f) detailed portrayal of the abuse of narcotics, alcohol and other harmful substances, even if the content as a whole does not have a negative attitude towards such a behaviour;
 - g) detailed portrayal of dangerous behaviour, even if the content as a whole does not have a negative attitude towards such a behaviour;
 - h) detailed portrayal of discriminatory behaviour, even if the content as a whole does not have a negative attitude towards such a behaviour;
 - i) portrayal of the most acute offensive behaviour, even when used as an act of aggression or an insult.
- (2) The sign 18 shall be displayed for the reality shows, their announcements, and the programmes giving an overview of events taking place in these contents.
- (3) The contents with the sign 18 shall be broadcast between 11 p.m. and 6 a.m. only.

Article 26

For the purpose of protection of public interest, the Council of the Agency for Electronic Media may introduce an obligation for certain programmes or genres, which are not included in this Rulebook as such, to be broadcast within the watershed only.

Article 27

- (1) Announcements of the programmes subject to the obligation of visual and acoustic identification, as a part of self-promotional activities of electronic media, shall not include the descriptions and scenes that could likely impair the physical, mental or moral development of minors.

- (2) Announcements of the programmes referred to in paragraph 1 of this Article shall include a graphical sign identifying the category those programmes belong to.

5. Respect of court and secrecy of proceedings

Article 28

- (1) Presumption of innocence a binding court decision has been adopted shall be observed in the electronic media programmes.
- (2) The electronic media are obliged to cover the judicial proceedings in an objective and accurate manner, providing the information on court decisions, especially if the charges are dismissed, an investigation is suspended, or the gravity of offence the defendant is charged with is reduced.
- (3) The opinion and information related to the ongoing court proceedings may be presented only in line with the provisions of Article 7 of this Rulebook.

Article 29

- (1) During the criminal proceedings, the electronic media are obliged to observe the right to privacy of all persons involved in the proceedings in any capacity.
- (2) Identity of the victims of sexual assault shall not be revealed either directly or by publishing the material that could result in the revealing of their identity, unless the victims give their consent or in case there is prior approval of the competent authority.
- (3) Electronic media are obliged to have particular regard to the protection of minors and other vulnerable persons, as well as victims, witnesses and families of the suspects, defendants or convicted persons.

Article 30

- (1) The electronic media are obliged to have regard to the protection of identity of witnesses.
- (2) Identity of witnesses may be revealed only in the cases when:
 - a) a witness gives prior consent;
 - b) the revealing of identity serves public interest;
 - c) the testimony was public.
- (3) The electronic media are obliged to pay particular attention to the observance of the laws regulating the rights and obligations of the protected or endangered witnesses, as well as the members of their families.

Article 31

- (1) It is prohibited to publish any information that could have obvious and undoubted negative effect on the course of judicial proceedings, and the information the secrecy of which has been explicitly requested by the court before or during the proceedings.
- (2) Live coverage from a courtroom or recording in a courtroom is allowed only with prior authorization of the competent judicial authorities.

6. Religion in the electronic media programmes

Article 32

- (1) The electronic media programmes shall not abuse religion, faith or denomination.
- (2) The electronic media are obliged to pay special attention when broadcasting the programmes related to religion, faith or denomination, to make sure that the beliefs and activities of the religious communities are accurately and objectively presented, with respect to all religious communities.

Article 33

- (1) The electronic media shall not influence their audience into joining certain religion or religious community, or changing their faith or religious belief.

- (2) The broadcasters are obliged to clearly announce religious programmes and make clear which religion/church or religious community is in question.

7. Parapsychology, quackery and fortunetelling

Article 34

All programmes dedicated to paranormal, parapsychological and similar phenomena, occultism, magic, etc., especially those providing individual counsel to the audience, shall not be broadcast outside the watershed.

Article 35

- (1) The programmes related to alternative medicine shall make clear, beyond any doubt, that the treatment in question is not based on the conventional medicine, and they shall not describe that kind of treatment as the only or the best one.
- (2) In the programmes referred to in paragraph 1 of this Article, it is preferable to provide an opinion or ensure the participation of an authorized medical worker involved in the medical field closest to the alternative treatment presented in the programme.

Article 36

The programmes based on fortunetelling, interpretation of individual horoscopes or similar content that cannot be categorized as an activity regulated by law, involving the participation of audience conditioned by paid text messages, phone-ins or other type of commercialization of this content, are prohibited outside the watershed.

Article 37

The entertainment programmes containing usual astrological predictions, interpretation of horoscopes or similar content, may be broadcast outside the watershed, if they are not the only content of the programme and if there is no participation of the audience.

8. Language and linguistic rules in the electronic media programmes

Article 38

The broadcasters are obliged to pay attention to the language used in the public sphere, to its ethical and political correctness, as well as to its grammatical accuracy.

Article 39

- (1) The electronic media are obliged to broadcast radio and television programmes in the Montenegrin language, in Latin or Cyrillic alphabet, or another language in the official use, in compliance with the Constitution of Montenegro, and the Electronic Media Law.
- (2) The public service broadcasters, especially the national public broadcasting service, have a legal obligation to promote and cherish the Montenegrin national and cultural identity and the Montenegrin cultural heritage, and are obliged to make sure that their production includes the highest possible share of programmes in the Montenegrin language, and to have adequate use of the Montenegrin language in the translated programmes.
- (3) The broadcasters are obliged to provide an adequate use of the Montenegrin language in the programmes they produced and in the translation (subtitling and dubbing) of all programmes produced in the languages that are not in the official use in Montenegro, which requires a simple voiceover, without any need for a creative interpretation of characters by actors.

Article 40

- (1) The broadcasters are obliged to make sure that the language in the broadcast programme is grammatically accurate, unless it is a feature programme with dramaturgic justification of such language.
- (2) Swearing, derogatory language and other vulgarities, and jargon are forbidden in the news, education and similar programmes, and may be used in an adequate educational or artistic context.

Article 41

- (1) The public service broadcasters are obliged to ensure an overall quality of expression of newsreaders and reporters.
- (2) The national public broadcasting services are obliged to ensure that the programmes are proofread by a professional editor before broadcasting.

9. The participation of audience in the electronic media programmes

Article 42

- (1) The programmes of the electronic media offering the possibility of audience participation by telephone, text messages, and other electronic communication services shall contain clear, precise, accurate and complete information and conditions concerning the participation.
- (2) The programmes referred to in paragraph 1 of this Article shall not mislead the audience by providing inaccurate, ambiguous, exaggerated information, unrealistic prolongation or delay in providing answer or by concealing the true nature of these programmes in any other way.
- (3) The questions or tasks in prize competitions in the programmes referred to in paragraph 1 of this Article shall not be impossible or unlikely to answer by the target audience.
- (4) The telephone number for the audience phone-ins in the programmes referred to in paragraph 1 of this Article and the price of service, including VAT and additional expenses the viewers or listeners might have, shall be clearly identified on the screen in such a way that a person with an average sight can see the price from a reasonable distance.
- (5) If the programmes referred to in paragraph 1 of this Article provide the opportunity for the audience to win financial prizes, awards or services in competitions or other forms of participation, the viewers/listeners participating the programme, including the viewers/listeners on hold, may be charged only per call, not according to its duration.
- (6) In the programmes referred in paragraph 3 of this Article, the broadcasters are obliged to publish clear rules related to the content, financial prizes, goods, rights or services that can be won.
- (7) The electronic media are obliged to publish the rules and prizes referred to in paragraph 6 of this Article on their websites, teletext or in some other adequate manner available to the wide audience.

Article 43

In the programmes that include voting by audience or participation in surveys, etc. the electronic media are obliged, when publishing the results, to provide information on the total number of votes registered or people surveyed.

Article 44

The programmes containing exclusively or predominantly telephone voting, text messaging, e-mailing or similar messaging (TV chats and similar content) are prohibited outside the watershed (midnight to 6 a.m.).

10. Repeat programmes and archive materials

Article 45

- (1) The electronic media are obliged to identify the repeat programmes and recorded coverage of sports and other events as such throughout the programme.
- (2) The repeat programmes containing the elements of interaction with viewers/listeners (phone-in programmes and voting competitions, interactive quizzes, political and/or social debates, etc) shall be identified as such throughout the programme.
- (3) Archive materials shall be identified as such throughout the programme.

- (4) In radio broadcasting, repeat programmes and archive materials shall be identified as such in an adequate manner at the beginning, after every advertising break, and at the end of the programme.
- (5) The rules of visual and acoustic identification shall also apply to the repeat programmes.

IV TRANSITIONAL AND FINAL PROVISIONS

Article 46

Supervision of the application of this rulebook shall be done by the Agency for Electronic Media, in compliance with the Electronic Media Law.

Article 47

The electronic media are obliged to harmonize their operation with the provisions of this Rulebook within 30 days from the day of its coming into effect.

Article 48

The Decision on Minimum Programme Standards in the Broadcast Media of the Republic of Montenegro ("Official Gazette of the Republic of Montenegro," No. 33/55) shall cease to be valid with the coming into effect of this Rulebook.

Article 49

This Rulebook shall come into effect on the eighth day after its publication in the "Official Gazette of Montenegro".

PROVISIONS NOT INCLUDED IN THE INTEGRAL TEXT

RULEBOOK ON AMENDMENTS TO THE RULEBOOK ON PROGRAMME STANDARDS IN THE ELECTRONIC MEDIA

("Official Gazette of Montenegro", No. 007/16 of 29 January 2016)

Article 8

An obligation to schedule contents in compliance with articles 24 and 25 of this Rulebook shall not apply to the contents broadcast through the on-demand audiovisual media services with conditional access, which provide the possibility of parental control.