

**WORKING GROUP FOR DRAFTING THE MEDIA STRATEGY:**

**DRAFT STRATEGY FOR THE DEVELOPMENT OF THE  
PUBLIC INFORMATION SYSTEM IN THE REPUBLIC OF  
SERBIA UNTIL 2016**

**1. INTRODUCTION**

The Strategy for the Development of the Public Information System in the Republic of Serbia until 2016 is based on the standards, experience and regulatory framework of the democratic world. It is based on the Constitution of the Republic of Serbia and the leading commitments of the United Nations, Council of Europe and European Union enshrined in documents, which define the rights to freedom of expression, free flow of and access to information and its exchange as one of the fundamental human rights.

The Strategy aims to define the main directions of development of the public information system in the Republic of Serbia and parts of that system to ensure that the development of the freedom of the media and the media market contributes to the strengthening of democratic relations in society. Advancement of the public information system also entails aligning the legal framework and practice with the international regulatory framework and experience, the state's obligation to respect and enforce them, and strengthening the capacities of all the participants in the public information process to work in public interest, to the benefit of the citizens and all social groups.

The Republic of Serbia in this Strategy defines public interest, the state's role in the public information system, the status and role of media outlets in a democratic society and ownership of media outlets and devotes particular attention to ownership transparency and media concentration. The Strategy also focuses on print media and news agencies, which have been affected the most by the crisis in the media sector. The Strategy clearly defines the principles and requisites for the further development of electronic media and media on new technological platforms and the specific status of the public broadcasting services in the public information system.

**1.1. Public Interest**

Public interest denotes the realisation of the public's right to be informed. This interest calls for the continuous realisation and advancement of the freedoms of expression and information and the freedom of the media, the protection of this freedom from political, financial and other conditioning and pressures by various power centres. The free development of independent, professional media and the media system is to ensure the widest satisfaction of the needs of Serbia's citizens for information and content from all walks of life without discrimination: politics, economy, culture, art, education, environmental protection, sports and entertainment. Public interest also entails the provision of diverse and quality media content to all individuals and social groups of all professions, ages and education levels and all minority groups: ethnic, religious, linguistic, sexual groups, groups with special needs, et al.

The production and publication of the following content in the media outlets in the Republic of Serbia shall be in public interest:

- General news media content;
- Specialised media content on politics, culture, education, religion, economy, entertainment and other issues of relevance to the lives and work of the citizens;
- General news and specialised media content of relevance to the lives and work of citizens in local and regional communities;
- Media content for children and youths;
- Media content of relevance to the preservation of cultural heritage and content promoting artistic and cultural creativity and the work of cultural institutions;
- Investigative reporting content and other complex journalistic forms;
- Original audio-visual and radiophonic works in the Serbian and national minority languages in use in the Republic of Serbia

provided that the production and publication of such content is relevant to the:

- Realisation of the right to information in the Serbian and national minority languages in use in the Republic of Serbia;
- Preservation and advancement of media pluralism and media content diversity;
- Encouragement of media literacy;
- Preservation of the cultural identities of the Serbian nation, national minorities and ethnic groups living in the Republic of Serbia;
- Encouragement of media creativity and creativeness;
- Development of science and advancement of education at all levels, including adult education;
- Promotion of the rule of law and social justice, the principles of civic democracy, human and minority rights and freedoms, and adherence to European principles and values.

The public interest in the Republic of Serbia comprises the upgrading of media and journalistic professionalism, the advanced professional training of journalists and editors, the encouragement of journalistic autonomy and self-regulation within the media and the promotion of media literacy and research in the media field.

The public interest in the Republic of Serbia entails the production and publication of media content for blind and visually impaired persons, persons with hearing impairments and other persons with special needs, as well as the development and advancement of the technical infrastructure facilitating their access to media content.

## **1.2. Role of the State**

The Republic of Serbia respects and guarantees the freedoms of opinion and expression, the freedom of the media and the right to be informed.

By embracing the highest international standards and regulatory framework of the Council of Europe and the European Union, the Republic of Serbia shall align its media laws with European documents on the media and public information and adopt the regulations lacking in this field.

The Republic of Serbia shall eliminate the discrepancies in the existing legislation and advance the protection of the free flow of information and freedom of expression, the independence and editorial autonomy of the media and media pluralism.

The Republic of Serbia shall improve the conditions enabling the accurate, full and timely informing of the citizens about issues of public importance and be open to media reports on these issues under non-discriminatory conditions.

The Republic of Serbia shall provide a safe and transparent financial framework for the functioning of the public broadcasting service institutions in order to ensure their fulfilment of their tasks.

The Republic of Serbia shall promote the openness of institutional sources of information and the availability of information of public importance.

The Republic of Serbia shall establish a system under which all media shall be privately owned with the exception of the public broadcasting service institutions of Serbia and the Autonomous Province (AP) of Vojvodina.

The Republic of Serbia shall encourage the development of the media market by creating non-discriminatory conditions for healthy competition within the media industry and its sustainable development.

The Republic of Serbia shall create an environment enabling the independent, autonomous, professional and sustainable work of media outlets, which respect the broadest spectrum of human rights and are able to contribute to the citizens' full participation in social, political and cultural life.

The Republic of Serbia shall strengthen the conditions for the protection of the entire corpus of human rights in the field of public information, particularly the rights of children, youths and groups with special needs. This commitment shall also extend to respect of human dignity and the realisation of personal rights in the field of public information.

The Republic of Serbia shall ensure the transparency of media ownership and prevent excessive ownership concentration resulting in dominant or prevailing influence on public opinion.

The Republic of Serbia is under the obligation to combat piracy, protect copyright and neighbouring rights, strengthen media literacy and create non-discriminatory conditions for the development of information and communication technologies serving to advance the right of expression and the right to seek, receive and impart information and ideas regardless of frontiers.

The Republic of Serbia is fully committed to the process of switching from analogue to digital broadcasting within the internationally agreed deadlines.

The Republic of Serbia is duty-bound to establish a regulatory framework guaranteeing the independent, transparent, efficient and accountable work of independent media regulatory authorities and encourage the establishment and functioning of self-regulatory bodies in the field of public information.

With the aim of protecting the public interest and legitimate needs of citizens in the field of public information, the Republic of Serbia shall provide assistance and support to media content achieving public interest, including to informing at the local and regional

levels, particularly to media content realising the rights of minority communities to be informed in their own languages and the rights of persons with disabilities and Serbs in the region to be informed. Such aid and support shall be provided at all levels of government and in accordance with the regulations on state aid control. The allocation of such aid and support must be fully transparent and based on clear non-discriminatory criteria ensuring equal treatment of all media.

### **1.3. Role of Media Outlets**

The main role of media outlets comprises the preparation and timely dissemination of media content satisfying the broadest interests and needs of the citizens and thus the achievement of public interest, whilst abiding by the principles of the freedom of expression and free flow of information and the professional and ethical requirements of impartiality, accuracy, balance and respect for human dignity.

### **1.4. Media Ownership**

The state may not own media outlets. The state, a territorial autonomy, a local self-government, an institution, a company or another legal person fully or partly state-owned or entirely or predominantly funded from public revenue may not be either directly or indirectly the founder of a media outlet, with the exception of public broadcasting service institutions at the national and provincial levels.

### **1.5. Public Broadcasting Services**

Public broadcasting service institutions, as media organisations achieving public interest, must satisfy the news and communication needs of individuals and all social groups equally. As a factor of cohesion and integration of society, the public broadcasting services must fully serve as sources of impartial and independent information, innovative and diverse content, which satisfies the highest ethical standards and programme or programme content quality standards, and thus become a reference point for public information.

### **1.6. Media Literacy**

The Republic of Serbia shall encourage the development of media literacy by developing the citizens' individual capacities to use, understand and critically evaluate the various aspects of media outlets and media content, as well as their social skills to competently use information and communication services.

### **1.7. Media Pluralism**

Media pluralism entails diversity of ownership, sources of information and media content. The preservation and advancement of media pluralism involves measures enabling citizens to access various sources of information, opinions and media content.

The Republic of Serbia shall support independent expert analyses of the level of media pluralism and the effectiveness of legal instruments safeguarding media pluralism, with a view to its further advancement.

The Republic of Serbia shall monitor the development of media on new technological platforms by taking measures encouraging the preservation and strengthening of media pluralism and media content diversity.

## **2. OWNERSHIP**

### **2.1. State's Withdrawal from Media Ownership**

The Republic of Serbia shall withdraw from ownership of media outlets without delay, within 18 months from the day this Strategy is adopted at the latest. The state shall withdraw from the ownership of media outlets by the enforcement of the valid legal regulations in accordance with this goal and by amending or rescinding the laws or legal regulations inconsistent with this goal. The state's withdrawal from ownership of media outlets entails their privatisation and/or conversion of state ownership into shares and their free distribution pursuant to regulations on privatisation.

### **2.2. Ownership Transparency**

Data on media ownership shall be public. Information on who actually owns the legal person that founded a media outlet and on the origin of the capital invested in the outlet must be known. The Republic of Serbia shall advance and consistently enforce legislation ensuring the transparency of media ownership and availability of the following information:

- Information concerning the natural or legal persons participating in the ownership structure of the media and on the nature and the extent of the respective participation of these persons in the outlet and the ultimate beneficiaries of this participation;
- Information on the nature and the extent of the interests held by these natural or legal persons in other media outlets or companies active in the media sector or other economic branches;
- Information on other natural or legal persons likely to exercise a significant influence on the editorial policy;
- Information regarding the state support measures granted to the media;
- Information on the procedure applied in respect of the right of reply and correction.

### **2.3. Media Concentration**

In the interest of preserving media pluralism and media content diversity, given their crucial importance for the functioning of a democratic society and the realisation of the rights to freedom of expression and information enshrined in the Constitution and international conventions, which can be fully exercised only if everyone has the opportunity to form his/her opinion on the basis of diverse sources of information, the Republic of Serbia shall prevent prohibited media concentration, both horizontal, including cross-media ownership (simultaneous ownership of different types of media outlets), and vertical (simultaneous participation in different markets of relevance to media production and distribution, including the advertising, press distribution and electronic communication markets).

Media concentration in the Republic of Serbia shall mean the concentration of market participants in terms of the legislation on the protection of competition, in which at least

one party involved in concentration in the market of the Republic of Serbia is a founder of a media outlet. Prohibited media concentration shall mean any media concentration threatening public interest in the field of public information, significantly restricting media pluralism, diminishing the diversity of media supply and media content diversity in the relevant media market of the Republic of Serbia or smaller geographic markets defined in accordance with the legislation on the protection of competition, particularly if it may result in the creation or strengthening of the dominant position.

The Republic of Serbia shall specify in its media legislation the thresholds beyond which media concentration in the radio and television sector shall be deemed prohibited, particularly with respect to media services licenced pursuant to a public call for tender and media concentration resulting in cross-media ownership.

Media concentration must be reported to the authority charged with the protection of competition in instances envisaged by the legislation on protection of competition, which shall review the media concentration in a procedure laid down in this legislation. As per local and regional media markets, specific conditions, reflecting the size and specific features of the particular media market, will also be set with the aim of preserving media pluralism and media content diversity at the local or regional level. In the event these conditions are met, the media concentration must be reported to the authority charged with protection of competition even when the legislation on the protection of competition does not stipulate such an obligation.

The Republic of Serbia shall prescribe in its media legislation that the authority charged with the protection of competition shall seek an opinion on the conformity of the concentration with public interest in the field of public information during its review of media concentration.

The opinion on the conformity of the concentration with public interest in the field of public information shall be issued by the competent ministry, which shall apply the public interest test.

The public interest test shall entail the assessment of the impact of the media concentration on:

- The realisation of the rights to freedom of expression and information in the Republic of Serbia or a part of it;
- The diversity of media supply, taking into account the types of media outlets, dynamics and mode of distribution;
- The diversity of information sources and media pluralism in the cultural and political sense in the Republic of Serbia or a part of it;
- Sources of funding and the likelihood of exercising considerable influence on the editorial policy on the basis of such funding or on other grounds;
- The commitment of the participants in the media concentration to the achievement of professional standards in the field of public information.

These rules shall be applied together with measures encouraging the development of pluralism and diversity of media outlets. The media concentration thresholds and the specific conditions the fulfilment of which mandates the reporting of the media concentration to the authority charged with the protection of competition even when the legislation on the protection of competition does not stipulate such an obligation, as well as influences to be subjected to public interest tests, shall be subject to periodic reviews, which shall take into account technical, technological, economic and social development.

### **3. MEDIA OUTLETS**

#### **3.1. PRINT MEDIA AND NEWS AGENCIES**

The Republic of Serbia shall consistently enforce the law and ensure non-discriminatory conditions for the distribution of advertising revenues among media outlets and the enforcement of regulations limiting advertising in electronic media outlets. The Advertising Law of the Republic of Serbia shall lay down the measures of positive discrimination of print media (by liberalising regulations in accordance with international practice).

Given that none of the material and equipment print media need, such as printing presses, newsprint, colour inks or film, is manufactured in Serbia, the Republic of Serbia shall consider the possibility of granting relief on imports of these goods.

The Republic of Serbia shall consider the possibility of lowering the VAT on the sale of print media and news agency services to stimulate their development.

The Republic of Serbia shall create conditions for encouraging print media circulation auditing.

The Republic of Serbia and the public administration, as advertisers, shall place their advertisements (public calls and invitations, public company advertisements, etc) at all levels in a transparent and non-discriminatory manner and without middlemen, in accordance with public interest.

Simultaneous ownership of print media and the distribution and sale networks needs to be prevented.

Funding for content of public interest published by the local press needs to be provided from public revenue by the application of the project-based funding principles. Such funding shall aim to encourage diversity of thought and the right of the local population to content which would otherwise be unsustainable in market conditions.

This applies also to media in minority languages, which should be co-funded from the budget in accordance with detailed criteria.

The Public Company News Agency Tanjug must be privatised within the deadline laid down in the Action Plan.

In addition to the state, territorial autonomies or local self-governments, the following may not be founders of Public Company News Agency Tanjug either directly or indirectly: institutions, companies or other legal persons, which are fully or partly state-owned or entirely or predominantly funded from public revenue.

The transformation of the Public Company News Agency Tanjug through the privatisation process and its full entry into the media market entails the obligation of the Republic of Serbia to relinquish its founding rights in that company and fully withdraw from its ownership.

In the event the privatisation of the Public Company News Agency Tanjug is unsuccessful, the state's withdrawal from its ownership shall entail the conversion of state ownership into shares and their free distribution, in accordance with legal regulations governing privatisation.

Funding of news agencies from public revenue shall constitute unacceptable state interference in the media market and establishment of unfair competition and be prohibited.

In the field of agency journalism, the state may realise its role only by co-funding projects in public interest via public calls for project proposals and by purchasing agency services for its own needs in transparent public procurement procedures.

The calls for project proposals and public procurements must be public, transparent and follow precisely defined procedures and criteria. They should be open to all news agencies, whether general or specialised, which fulfil the relevant production and legal requirements, under non-discriminatory conditions.

### **3.2. ELECTRONIC MEDIA OUTLETS**

The Republic of Serbia shall reform the legal framework on broadcasting in Serbia, particularly in view of the expected switchover from analogue to digital terrestrial broadcasting of radio and TV programmes, and shall clearly define the roles, rights and obligations of all participants in the chain of production and distribution of radio and TV programmes i.e. audio-visual media content.

The reformed legal framework shall provide for a public and transparent licencing procedure on a platform-neutral basis and upon the application by the content provider, under predefined non-discriminatory conditions tailored to the type of service, whether linear or non-linear, which the applicant plans to provide. The licences, entitling outlets to provide media services via terrestrial digital i.e. analogue broadcasting prior to the full switchover to digital terrestrial broadcasting, shall be granted pursuant to public calls for tender and the relevant licencing procedures.

All holders of valid broadcasting licences shall be provided with space in the multiplex upon the switchover to digital broadcasting.

The Republic of Serbia will not limit in advance the number of licences to be issued after the switch to digital broadcasting. The identified problem of the number of licences issued for terrestrial broadcasting, exceeding the potentials of the market and not contributing to the satisfaction of the citizens' needs for quality and diverse programme content, shall be addressed by measures stimulating the consolidation of the market to an extent that will not result in prohibited media concentration and by conditioning the renewal of the issued licences based on the evaluation of programme content under clearly defined and measurable criteria.

New terrestrial digital broadcasting licences shall be issued upon the implementation of procedures to be laid down in the reformed legal framework. The coverage areas, numbers and types of programmes for which new licences will be issued in accordance with these procedures shall be determined on the basis of the review of the needs of citizens and social groups for media content and a comprehensive analysis of the market and the impact of licencing new content providers on the market. These procedures would

also apply to any applications by public broadcasting service institutions to expand their programme offers.

In its reformed legal framework, the Republic of Serbia shall strongly guarantee the right of citizens to a broad variety of media content via various distribution platforms (satellite, cable distribution, terrestrial transmission, et al). The must carry obligation of dominant platform operators to broadcast specific content and the obligation of dominant media service providers to offer their content to operators under non-discriminatory conditions shall be clearly prescribed.

The Republic of Serbia shall guarantee free competition in the electronic media market. Restrictive agreements prohibited under the legislation on the protection of competition, whether horizontal, among the media themselves, or vertical, among media and the middlemen in the advertising market or among media and media content distribution platform operators, shall be precluded.

The Republic of Serbia shall ensure consistent abidance by legislation on advertising and simultaneously liberalise these regulations in line with international practices and the international commitments assumed by the Republic of Serbia.

The Republic of Serbia shall allow commercial electronic media to take part in public calls for funding of content and services satisfying European public service standards also in accordance with regulations on state aid control and under transparent and non-discriminatory conditions.

Electronic media products and works produced for use by electronic media are of great significance to Serbia's political, economic and cultural history, wherefore it is necessary to establish a system for their permanent protection, processing and archiving, similar to the one applied to print media.

### **3.3. PUBLIC BROADCASTING SERVICE**

#### **3.3.1. Programme Functions**

The obligations and functions of a public service are fulfilled by public broadcasting institutions at the republican and provincial levels. Programme content and services satisfying European public service standards may also be provided by commercial radio and television stations.

The public broadcasting service institutions – Radio Television of Serbia (RTS) and Radio Television of Vojvodina (RTV) – are under the obligation to continuously advance the performance of their programme functions within the given circumstances. This primarily regards the diversity and quality of content, particularly of educational, cultural, children's, religion programmes and programmes devoted to citizens' associations, i.e. civil society organisations and activities.

The public broadcasting service institutions will continue developing minority language programmes and RTS will introduce new programme content in the languages of minorities living in the territory of Serbia outside the Autonomous Province of Vojvodina, which have not been represented in the public service programmes to date.

Public broadcasting service institutions must become a framework for public debates about all the relevant social issues, enable free expression of opinions and ensure public scrutiny of social and political processes, whilst remaining fully distanced from the influences of political, economic and other power centres.

Public broadcasting service institutions shall not broadcast content not satisfying the public service quality criteria. They shall endeavour to reduce the number of reruns and increase their offers of new films and series.

Public broadcasting service institutions shall organise public calls for the purchase of the products of independent RTV production companies in a fully transparent manner and notify the interested participants and public thereof.

### **3.3.2. Independence of Public Broadcasting Services**

Public broadcasting service institutions shall be independent in performing their functions. Their legally guaranteed independence and autonomy shall be achieved in practice in the Republic of Serbia.

No one, particularly not representatives of political organisations, companies, national minority councils or other power centres, may influence the content of the public broadcasting services or limit their independence and autonomy. Their senior management and editorial boards must assume greater responsibility to ensure that the public broadcasting service programmes, particularly news programmes, are protected from influence by any power centre.

The independence and autonomy of the public broadcasting services may not be jeopardised in any manner, including via funding.

### **3.3.3. Funding of Public Broadcasting Services**

The necessary working conditions and stable sources of funding of public broadcasting services shall be ensured in the Republic of Serbia. Licence fees shall constitute the main form of funding. Public service broadcasters may also generate commercial revenues and receive individual payments for performing democratic, social, cultural and other functions and additional co-funding from the state budget.

The licence fee collection rate has to be increased, both by the law and by improving the organisation of collection. Public services need to be allowed to introduce a different method of collecting licence fees in the event the present method is ineffective. The legally defined shares of funds from licence fees collected in the territory of the Autonomous Province of Vojvodina should be immediately transferred to the provincial and republican public broadcasting services. The Republic of Serbia shall enforce the legal provisions on the collection of vehicle radio licence fees.

The possibility of introducing additional restrictions on advertising in public service programmes shall be reviewed when the licence fee collection rate reaches the level sufficient for the fulfilment of the main functions of the public broadcasting services.

Commercial revenues shall entail: the production and broadcasting of advertisements in accordance with the relevant law; the production and sale of audio-visual programmes (music, films, series, sound carriers, et al); organisation of concerts and other

performances, as well as the implementation of other activities in accordance with the institution's statute.

Public broadcasting service institutions shall abide by legislation on advertising, sale of advertising space in advance and to related persons, given the particular relevance and mode of funding of the public broadcasting services.

Revenues shall be disaggregated by sources of funding in the financial plans and reports of the public broadcasting service institutions to ensure that the funds from licence fees are exclusively used for financing the main programme function and not for commercial purposes.

Additional co-funding from the state or provincial budget shall be allowed only in the event the funds from the main or commercial sources do not suffice for the performance of the public services' main programme functions and such co-funding shall be used only for financing these functions, upon the submission of a reasoned application and in accordance with a clearly defined and transparent procedure.

Co-funding of programme content of commercial broadcasters providing media content and services satisfying public broadcasting service standards at the local and regional levels may be approved and allocated in accordance with the project-based funding model from the budget of a local self-government, province or the of Republic of Serbia.

#### **3.3.4. Development of Public Broadcasting Services**

The Republic of Serbia shall facilitate the development of the public broadcasting service institutions to enable the availability of their content on various platforms in the new technological environment as well, above all to enable their provision of high quality content.

The Republic of Serbia shall guarantee to the public broadcasting services a reliable and adequate financial and organisational framework for performing their functions in the new digital environment. The public broadcasting services should be able to offer general and specialised services, as well as personalised services and services on request and the opportunities for participation by viewers and listeners.

The Republic of Serbia shall ensure that the public broadcasting services have all the necessary technical resources enabling them to carry out their function in information society. Public media services are to play an active role in the technological innovation of electronic media outlets, as well as during the switchover to digital broadcasting.

After the switchover to digital TV programme broadcasting, a public service may apply for additional programmes to carry out the functions which are in accordance with the legally prescribed obligations of a public broadcasting service. The competent regulatory authority shall render a decision on such an application after reviewing the needs of citizens and social groups for media content, the comprehensive analysis of the scope and quality of the fulfilled public broadcasting service functions and the financial possibilities of the public broadcasting service, and depending on the technical possibilities.

In order to advance the professional relations within their companies, public services shall establish in-house codes of conduct of journalists, editors and other programme staff.

### **3.3.5. Public Scrutiny**

Public broadcasting service institutions in the Republic of Serbia are under the obligation to maintain direct communication with the public, which entails various forms of consultations with the representatives of the audience, whereby public scrutiny of their work shall be ensured. Public broadcasting service institutions shall consult the public on their programme function implementation plans, the introduction of programme innovations and the implementation of programmes and financial plans.

Apart from reporting to the independent regulatory authority and the competent National Assembly body, the public broadcasting services shall provide timely and continuous public access to their programme and financial plans and reports on their implementation and facilitate public debates on these documents.

In cooperation with the civil society, the public broadcasting services shall establish forms of communication with the public, such as the establishment of advisory structures, holding of public debates, panel discussions and talks providing the public with the opportunity to express its opinions about the programme content and its wishes and requirements.

### **3.4. LOCAL AND REGIONAL PROGRAMMES SATISFYING PUBLIC SERVICE STANDARDS**

The legitimate needs of citizens to receive information specific to their local or regional communities and focusing on the features of a specific area, municipality or city may be satisfied through public service functions in the following manner:

After the privatisation of the remaining public RTV companies, local self-governments, which are under the legal obligation to ensure the provision of public information of local importance and provide requisites for public informing in Serbian and minority languages, shall earmark funds in their local budgets for project-based funding of content satisfying the needs of the local population and issue public calls for project proposals which all RTV service providers at the local/regional level may participate in. The decisions on funding shall be rendered by independent commissions comprising exclusively eminent intellectuals and media experts in the specific local community/region. Representatives of the authorities or political party leaderships shall be barred from membership in such commissions.

Electronic media outlets granted funds to satisfy the information needs of the local/regional population shall be under the obligation to submit detailed reports to the grantor and the public on the fulfilment of the programme goals and documents evidencing that they spent the funds as specified in the project budget.

Local/regional RTV service providers may apply for project co-funding at other levels as well.

After the switchover to digital TV programme broadcasting, the regulatory authority may condition the issuance of a licence for terrestrial broadcasting by the production of part of the programme content fulfilling the function of public regional services.

### **3.5. MEDIA OUTLETS IN MINORITY LANGUAGES**

In order to preserve the national, cultural and linguistic identities and full equality of the minority nations, the Republic of Serbia shall guarantee that the achieved level of minority rights to information in their own languages shall not be reduced.

Minority media may be established as commercial or civil sector outlets. They may be founded by natural and legal persons and associations. The amendments to the relevant legislation shall provide for issuance of radio and TV broadcasting licences to civil sector radio and television stations in minority languages both at the local and broader levels.

Local self-governments, the AP of Vojvodina and the Republic of Serbia shall assist, encourage and facilitate the founding, production and self-sustainability of minority media i.e. media with content in minority languages. Minority media may be granted project co-funding for periods exceeding one year but for maximum four-year periods.

After the digitalisation of television, the competent regulatory authority may condition the issuance of terrestrial broadcasting licences in every region with a minority population by the outlet's production of part of the programme in a minority language proportionately to the share of the minority nation in the population residing in the coverage area. In the event a minority nation accounts for a significant share of the population in the coverage area and depending on the technical possibilities, the issuance of at least one licence shall be conditioned by broadcasting the entire programme in the minority language. Similar rules shall apply to licences issued for analogue broadcasting of radio programmes at the local and regional levels.

The current media broadcasting programmes in minority languages (either entirely or in part) – the print media, radio and television stations with the status of public companies – shall be privatised in accordance with a specific programme ensuring the uninterrupted fulfilment of functions in minority languages and shall thereafter be eligible for the above forms of assistance.

### **3.6. FORMER FEDERAL PUBLIC INFORMATION INSTITUTIONS**

Pursuant to the law and in the spirit of the Strategy, the Republic of Serbia shall address the issue of the status of former federal public information (FPI) institutions, FPI Radio Yugoslavia and FPI Yugoslav Survey after reviewing whether there is public interest for their existence and consultations with the relevant stakeholders.

The review shall particularly focus on the possibilities of abolishing Radio Yugoslavia and Yugoslav Survey or of integrating them in the RTS and the Official Gazette of the Republic of Serbia respectively.

### **3.7. MEDIA OUTLETS ON NEW TECHNOLOGICAL PLATFORMS**

The Republic of Serbia shall encourage technological innovations in the media sector and the development of new media platforms.

The Republic of Serbia shall secure funds from public revenue to be granted for content of public interest produced by media outlets on new media platforms in accordance with project-based funding principles.

Departing from the fact that print and broadcast media have traditionally been regulated under different regimes and rules, aware of the rapid changes of new media platforms and

without wishing to inhibit their development, the Republic of Serbia shall insist that the electronic editions of print and broadcast media abide by the relevant press and radio/television principles; with respect to various forms of expression on new platforms, it shall enforce regulations depending on the actual circumstances of each individual case, particularly taking into account the existence of editorial control of content.

#### **4. DIGITALISATION OF TERRESTRIAL TELEVISION**

Pursuant to Serbia's international commitments and the existing regulatory framework, the competent authorities and organisations of the Republic of Serbia are intensively working on completing the process of switching from analogue to digital broadcasting of the terrestrial television signal and conducting all activities relevant to the process, whilst abiding by the rights broadcasters acquired when they were issued TV broadcasting licences.

Digital technology will enable the Republic of Serbia to broadcast up to 20 different programmes in standard resolution within the band of one radio frequency channel, which will result in the more efficient use of the radio frequency spectrum, greater market competition and greater opportunities for fostering creativity and preserving cultural identity.

The day the switchover to digital broadcasting is made, all broadcasting licence holders shall continue providing the programmes for which they have been granted licences as media services. Radio station licences, which are an integral part of the broadcasting licences, shall simultaneously be replaced by licences allowing access to the multiplex in the terrestrial digital broadcasting. A TV station's coverage area in the digital domain shall comprise one or more allotments and shall differ from the coverage area in the analogue domain.

The Broadcasting Equipment and Links Public Company shall provide services of multiplexing, broadcasting and distributing digital television programmes to all televisions with valid licences. The Broadcasting Equipment and Links Public Company shall be duty-bound to enable access to the multiplex under public, non-discriminatory and objective conditions, while the tariff system shall be based on the cost principle.

#### **5. MEDIA REGULATION AND SELF-REGULATION**

##### **5.1. Regulatory Authority**

The Republic of Serbia shall work towards the institutional convergence of the broadcasting and electronic communication regulatory authorities taking into account the specific regulation needs in both sectors.

The Republic of Serbia shall ensure the unimpeded operation of the broadcasting regulatory authority by aligning and enforcing the relevant legal framework to that end.

The Republic of Serbia shall advance the regulations on the composition of the broadcasting regulatory authority to ensure its competence and independence. These regulations are to protect the members of the regulatory authority against any interference by any political force or economic interest.

The Republic of Serbia shall lay down specific regulations on incompatibilities to avoid that the regulatory authorities are under the influence of political power and that members of regulatory authorities exercise functions or hold interests in legal persons in the media or related sectors, which might lead to a conflict of interest in connection with their membership of the regulatory authority.

The Republic of Serbia shall ensure by law that the members of the regulatory authority are appointed and dismissed in a democratic and transparent manner.

The decisions of the regulatory authority must be accessible to the general public.

The Republic of Serbia shall supervise the regulatory authority only in respect of the lawfulness of its activities, and the correctness and transparency of its financial activities.

### **5.1.1. Funding**

The Republic of Serbia shall define by law the mode of funding of the regulatory authority, which shall enable it to carry out its functions fully and independently.

The regulatory authority shall be funded from fees which shall be collected from media service providers in accordance with the law. The fees shall be set in accordance with criteria ensuring the coverage of the actual regulation costs and stimulating the production and distribution of quality and diverse media content.

### **5.1.2. Powers and Competence**

The regulatory authority shall adopt rules and guidelines in the field of broadcasting and in-house rules in instances provided by the law.

The regulatory authority shall issue broadcasting licences and set the requirements and criteria for issuing and renewing licences pursuant to which it shall issue broadcasting licences. The legally defined licencing procedure must be clear, precise and non-discriminatory and conducted in an open, transparent and impartial manner. Licences for the provision of media services via terrestrial digital i.e. analogue broadcasting shall be issued pursuant to a public call for tender, while licences for programme distribution via other platforms shall be issued at the request of the media service providers. The law may specify media services, the provision of which need not be subjected to licencing. The decisions of the regulatory authority must be accessible to the general public.

The reformed legal framework will define in greater detail the competence of the regulatory authority to adopt strategic sector development plans and lay down the procedures for defining the coverage areas and numbers and types of programmes for which new licences will be issued pursuant to public calls for tenders upon the review of the needs of the citizens and social groups for media content and a comprehensive analysis of the market and the impact of licencing new content providers on the market. The same procedures would also apply to any requests by public service institutions to expand their programme offers.

The regulatory authority shall conduct timely supervision of the conformity of all licenced programme content and the public broadcasting service content with the

broadcasting regulations and notify the public and service providers thereof. The regulatory authority shall in that respect take measures within its powers.

### **5.1.3. Accountability**

The broadcasting regulatory authority shall account for its work to the general public and shall be duty-bound to publish and make publicly available regular and *ad hoc* reports on its work, including its financial reports.

In order to protect the regulatory authority's independence, whilst at the same time making it accountable for its activities, the regulatory authority shall be supervised only in respect of the lawfulness of its activities, and the correctness and transparency of its financial activities.

All regulatory authority decisions and regulations should be reasoned in accordance with the law of the Republic of Serbia, open to review by the competent judicial bodies and made available to the public.

The Republic of Serbia shall work towards the institutional convergence of the broadcasting and electronic communication regulatory authorities taking into account the specific regulation needs in both sectors.

### **5.2. Press Council – Print Media Self-Regulatory Authority**

The Republic of Serbia encourages the work and development of the Press Council and supports all efforts by journalists and media industry representatives aimed at raising the professional standards in journalism.

The Press Council substantially contributes to improving the reputation of media outlets in society, abidance by the Code of Journalists of Serbia, preventing unlawful influence on editorial policy, cutting the number of trials against journalists and promoting dialogue between the citizens and the media outlets.

For the Press Council to fulfil this important social role, it should be funded in a manner which does not bring into question its independence. The founders of the Press Council shall decide on how the Council operating funds shall be raised and spent.

The Republic of Serbia supports the independence and full autonomy of the Press Council and shall not interfere in its founding, funding, organisation or work.

Given that a self-regulatory authority is at issue, it is unnecessary to regulate the work of the Press Council by a separate law or by specific provisions of another law or by-law.

## **6. STATE AID**

### **6.1. Project-Based Funding Principles**

The Republic of Serbia shall provide co-funding of public interest in the media sector pursuant to a uniform methodology and entirely in accordance with state aid control law, regardless of whether such aid is provided by the Republic, autonomous province or local self-government unit, via competent authorities or other legal persons managing or disposing of public funds and allocating state aid in any form.

The total funds for this purpose shall be set and allocated within the relevant budgets, in the amounts ensuring the achievement of public interest in the media sector. The designated funds shall be allocated in a transparent procedure, under equal and non-discriminatory conditions, pursuant to public calls for co-funding projects ensuring the achievement of the public interest specified by the law. Aid grantors shall issue these public calls inviting the eligible media outlets to apply. All the aid eligibility criteria, ensuring non-discrimination of any outlet, shall be specified by law.

The project selection criteria shall primarily comprise the evaluation of the project's relevance to the achievement of public interest, its contribution to media content diversity and pluralism of ideas and values, the valid project argumentation and adequate and reasoned budget specifications by project activity, as well as the sustainability of the project. Any additional project selection criteria, the general framework of which shall be prescribed by the law whilst ensuring the non-discrimination of any outlet, shall be set in consultation with press and media associations.

Independent commissions established by the aid grantors shall select the projects to be granted state aid. The commissions, the work of which shall be transparent, shall comprise competent representatives of the public, of professional associations and the NGO sector. Their members may not be appointed from among the National or the provincial Assembly deputies, local self-government councillors; elected, appointed or named officials in the Government of the Republic of Serbia, or the executive provincial or local self-government authorities; persons appointed to senior management positions in public companies or public institutions; senior political party officials, which also includes senior officials and members of political party bodies at the local level; persons holding interest in a media outlet in the capacity of founder, management body member, staff, contractor et al, i.e. or holding such interest in another applicant; and the spouses, parents, children or close relatives of all the above-mentioned persons.

The results of the public calls for project proposals and detailed reasoning of the decisions shall be published in a manner ensuring their availability to the applicants and the public. Agreements concluded with the beneficiaries shall include provisions binding them to spend the granted funds on the designated purposes and within the specified deadlines and to submit the adequate narrative and financial reports on funds spent upon project completion.

The aid grantors shall regularly evaluate and monitor the disposal and use of the allocated funds by the beneficiaries and publish the results thereof in a manner ensuring full public access to them.

## **6.2. Specific Incentive Measures**

The Republic of Serbia shall encourage the achievement of public interest in the media sphere also by incentive measures, such as the:

- Considerable reduction of the VAT rate on the sale of the print media, news agency services and media content, the production of which was funded through state aid project-based funding;
- Reduction i.e. abolition of customs duties on production material, parts and fixed assets that need to be serviced, which are not produced or serviced in the Republic of Serbia;

- Stimulation of employment in the media sector by relieving the employers from paying a share of the taxes and contributions for newly hired staff and taxes on authorship fees;
- Support of media outlets, press and media associations in conducting advanced training of journalists in various fields (economy, defence, minority rights, internal affairs, agriculture, new technologies...)
- Mandating the state authorities to buy media advertising space directly from the media outlets, not through middlemen;
- Relieving the local media outlets from paying part of the local taxes and fees, such as the local business sign fee, urban land fee, et al)

## 7. STRATEGY IMPLEMENTATION ACTION PLAN

ACTION	DEADLINE
1. Adoption of a new law on public information ( <i>Sl. glasnik RS</i> , 43/2003, 61/2005, 71/2009 and 89/2010 – Constitutional Court Decision)	9 months from the day of adoption of the Strategy
2. Adoption of a new law on electronic media	9 months from the day of adoption of the Strategy
3. Amendment of the Advertising Law ( <i>Sl. glasnik RS</i> 79/2005)	10 months from the day of adoption of the Strategy
4. Amendment of the Criminal Code ( <i>Sl. Glasnik RS</i> , 85/2005, 88/2005 - correction, 107/2005 – correction, 72/2009 and 111/2009)	12 months from the day of adoption of the Strategy
5. Amendment of the Criminal Procedure Code ( <i>Sl. glasnik RS</i> , 76/10)	12 months from the day of adoption of the Strategy
6. Abolition of the Law on the Public Company News Agency Tanjug ( <i>Sl. list SRJ</i> , 11/95)	18 months from the day of adoption of the Strategy
7. Abolition of the Law on Import and Dissemination of Foreign Mass Media and Foreign Information Activities in Yugoslavia ( <i>Sl. list SFRJ</i> , 39/74 and 74/87, <i>Sl. list SRJ</i> , 24/94 and 28/96 and <i>Sl. glasnik RS</i> , 43/2003 – another law)	18 months from the day of adoption of the Strategy
8. Withdrawal of the state from media ownership by the: - Sale of state shares in media outlets - Privatisation of Tanjug - Privatisation of local and regional media	18 months from the day of adoption of the Strategy
9. Amendment of the Law on the Free Shares and Compensation Citizens Are Entitled to in the Process of Privatisation ( <i>Sl. glasnik RS</i> , 123/07 and 30/10)	12 months from the day of adoption of the Strategy
10. Resolution of the status of former federal public information institutions: FPI Radio Yugoslavia and FPI Yugoslav Survey	6 months from the day of adoption of the Strategy
11. Encouragement of the development of the media market and creation of non-discriminatory conditions for healthy competition within the media industry and its sustainable development.	Permanent, from the day of adoption of the Strategy

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| <p>12. Repeal of all legal provisions allowing the state, territorial autonomy, local self-governments, public companies and institutions and state owned or co-owned companies to found media i.e. retain their ownership of media, or in any other manner inhibit the mandatory privatisation of the media, particularly of the relevant provisions in the Local Self-Government Law (<i>Sl. glasnik RS 129/2007</i>), Law on the Capital City (<i>Sl. glasnik RS 129/2007</i>), Law on Public Services (<i>Sl. glasnik RS 42/91, 71/94, 79/2005 – another law, 81/2005 – correction of another law and 83/2005 – correction of another law</i>), Law on Public Companies and Performance of Activities of General Interest (<i>Sl. glasnik RS 25/2000, 25/2002, 107/2005, 108/2005 - correction and 123/2007 – another law</i>), Law on the Protection of Rights and Freedoms of National Minorities (<i>Sl. list SRJ 11/2002, Sl. list SCG 1/2003 – Constitutional Charter and Sl. glasnik RS 72/2009 – another law</i>), Law on National Councils of National Minorities (<i>Sl. glasnik RS 72/2009</i>)</p> | <p>18 months from the day of adoption of the Strategy</p>  |
| <p>13. Support to the implementation of media literacy and media value analyses</p>   | <p>Permanent, from the day of adoption of the Strategy</p> |
| <p>14. Encouragement of the production of content increasing media literacy</p>   | <p>Permanent, from the day of adoption of the Strategy</p> |
| <p>15. Encouragement of the use of media and information and communication technologies with the aim of creating an inclusive society and opening new jobs</p>  | <p>Permanent, from the day of adoption of the Strategy</p> |
| <p>16. Strengthening capacities and encouragement of cooperation among institutions, professional and business media associations, civil society representatives in the field of education with the aim of increasing media literacy</p>  | <p>Permanent, from the day of adoption of the Strategy</p> |
| <p>17. Introduction of media literacy programmes in school curricula at all levels, from primary school to university</p>   | <p>Permanent, from the day of adoption of the Strategy</p> |
| <p>18. Support to media literacy initiatives</p>  | <p>Permanent, from the day of adoption of the Strategy</p> |

Working Group members:

Rade Veljanovski

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Jelena Surčulija

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Slobodan Kremenjak

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Dragoljub Žarković

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Zoran Sekulić

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Danilo Nikolić

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Igor Avžner

In Belgrade, 1 June 2011