

How to enhance the transparency of media content co-financed by public funds?

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All terms used in the text in the masculine grammatical gender include both the masculine and feminine genders of the persons to whom they refer.

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Analysis of legal framework for access to media content co-financed by public funds

Introduction

The Committee for Human Rights in Niš received the support of the OSCE Mission to Serbia to scrutinise legal and technical threats and opportunities for enhancing the transparency of media content co-financed by public money. The survey was followed by the recommendations on how to increase the transparency of media content relating to the public information process.

New rules for the implementation of public calls for co-financing of the media content of public interest have been applicable since 2015. In the first year of their application, two billion dinars were allocated for co-financing of media content at all levels of government (local, provincial, and national). The coalition of journalists' and media associations composed of the Journalists' Association of Serbia (JAS), Independent Journalists' Association of Serbia (IJAS), Independent Journalists' Association of Vojvodina (IJAV), Local Press (LP), and Association of Independent Electronic Media (AIEM) was the first to conduct an analysis of project co-financing of the media content of public interest. The work of Media Coalition was the basis for developing the Manual for the members of commissions which evaluate projects for promotion of public interest relating to public information¹ and the White Book of calls for co-financing of the public interest relating to public information². **The White Book highlighted the issues of lacking transparency of the process, absence of mandatory project evaluation, and inadequate legislation.** JAS worked together with its partners (IJAS, IJAV, Local Press, and AIEM) to develop a database of projects for co-financing the media content of public interest <https://finansiranjemedija.rs>. This database may be searched by media title, project submitting party, or commission.

¹ Priručnik za članove komisija za ocenjivanje projekata za ostvarivanje javnog interesa u javnom informisanju (2016) – *Manual for members of commissions evaluating projects for the promotion of public interest in public information (2016)*, Independent Journalists' Association of Vojvodina, <http://www.ndnv.org/wp-content/uploads/2016/12/Prirucnik.pdf>.

² Bela knjiga konkursnog sufinansiranja javnog interesa u sferi javnog informisanja (2016) – *White Book of calls for co-financing the public interest in public information (2016)*, Independent Journalists' Association of Vojvodina, <http://www.ndnv.org/wp-content/uploads/2016/06/BelaKnjigaWEB.pdf>.

In 2018, BIRN Serbia, Slavko Ćuruvija Foundation, and IJAS published a study about the transparency of project co-financing of media content.³ One of key findings was that **public institutions which allocate funds for media content co-financing are absolutely non-transparent when it comes to monitoring and controlling of approved, i.e., financed media projects**. The study assessed that the performance of relevant institutions was at the level of 3%.

The Centre for Sustainable Communities in Novi Sad implements the project titled “Through open data to better-quality project co-financing of media content”. The goal of the project is to collect and verify the data about the results of the public calls for media co-financing at all levels of government after 2015, develop an open database and a web application which enables its use and contains useful guidelines for government authorities responsible for media co-financing regarding how to open these data to a wider circle of users and have it published on the Republic of Serbia’s open data portal (data.gov.rs). For the first time ever, this project will introduce the classification of approved projects based on eight different topics: Environmental Protection, Economy, Informational Programme, Culture, Under-privileged Groups, Other, Content in Minority Languages, and Sport.

It is necessary to enhance the transparency and accessibility of the media contents co-financed by public money. The Niš Committee for Human Rights came up with a proposal that all media contents should be accessible online free of charge. This means that anybody who uses Internet can read newspaper articles, listen to radio shows or watch TV programmes which are co-financed by the citizens’ money. **In this section we will analyse some specific regulations and their impact on the proposal to make the media contents of public interest more accessible to citizens online. We will suggest what changes are necessary to improve the accessibility and transparency of the media content of public interest.** It is expected that easier access to media content will increase the quality and decrease potential abuse.

³ BIRN Serbia (2018) „Transparentnost projektnog sufinansiranja medijskih sadržaja“ (*Transparency of the Project Co-financing of Media Content*), <https://kazitrazi.rs/wp-content/uploads/2018/03/Transparentnost-projekt-nog-sufinansiranja-medijskih-sadr%C5%BEaja.pdf>.

Law on Public Information and Media

Rulebook on co-financing of projects for the promotion of public interest relating to public information

Law on Public Information and Media⁴ is a piece of legislation which contains most rules concerning the process of co-financing the media content of public interest. It for the first time defined the public interest in public information⁵. Co-financing the media content is one of the methods to promote public interest relating to public information⁶.

The authorities responsible for public information in the Republic of Serbia, autonomous provinces and local self-government units (LSGUs) are also responsible for the public calls for media content co-financing. The Law lays down that public calls for co-financing the projects relating to public information are organised for: (1) the production of media content, and (2) the organisation of and participation in professional, scientific, and other relevant conferences, and promotion of professional and ethical standards relating to public information. Public authority is under obligation to ensure that at least 90% of the funds allocated under public calls is allocated for media content co-financing.⁷

Main goal of the public call is to produce media content of public interest. The Law does not provide for obligatory quality evaluation of the media content co-financed by public money. The Rulebook on co-financing of projects for the promotion of public interest in public information⁸ provides that, after project co-financing is completed, public authority may draw up a report on the implemented public call and the quality assessment of supported projects. As necessary for the quality assessment of supported projects, public authority may appoint independent experts for media and media professionals.⁹ Producers of media content have the obligation to submit a narrative and financial report to the public authority. The Law also provides that they are obliged to submit the evidence of project implementation.¹⁰ We suppose that the evidence of project implementation are media contents produced within the project; however, this is not explicitly stated in the Law or in the Rulebook.

Based on the analysis of the Law on Public Information and Media, our conclusion is that there are no legal obstacles to publish the media content co-financed by public money. For the

⁴ *Official Gazette of the RS*, Nos 83/2014, 58/2015, and 12/2016.

⁵ Article 15 of the Law on Public Information and Media.

⁶ Article 16 of the Law on Public Information and Media.

⁷ Article 18 of the Law on Public Information and Media, and Article 15 of the Rulebook on co-financing the projects for the promotion of public interest in public information.

⁸ *Official Gazette of the RS*, No 16/2016 i 8/2017.

⁹ Article 41a of the Rulebook on co-financing the projects for the promotion of public interest in public information.

¹⁰ Article 26 of the Law on Public Information and Media.

purposes of legal security, however, it is necessary to clearly define the obligation to publish the media content of public interest, if the intention is to ensure their proactive publication.

Law on Free Access to the Information of Public Importance

Law on Free Access to the Information of Public Importance¹¹ defines the information of public importance as the information available to a public authority, which was created within that authority's operation or in connection with it. It is not important how the public authority obtained the information of public importance and neither is the information carrier (paper, tape, film, electronic media, etc.) in which the document containing the information is located. The information creation date or other similar features of the information are not important neither.¹²

In real life, however, some public authorities deny access to the information pertaining to calls for media content co-financing. **The most commonly offered argument concerns “the protection of the applicant’s intellectual property rights”**. This was the basis for filing a complaint with the Commissioner for the Information of Public Importance and the Personal Data Protection in the case of the Municipality of Pirot refusing to submit project proposals and the budget under the 2015 Call. In the second-instance procedure, the Commissioner issued an administrative decision by which the Municipality of Pirot is ordered to submit to the party requesting the information (Predrag Blagojević from *Južne vesti*) all documents relating to the call for co-financing of the media content of public importance. Weighing the public's right to know against the intellectual property protection,¹³ the Commissioner took the position that the information that were requested need to be available to the public. The requested information are important for ensuring the lawfulness of the implemented procedure for the co-financing of a public interest in public information, as well as for compliance with the call requirements and the decision-making by public authorities.

The second argument that public authorities used to deny the documentation under the call for co-financing of media content is that “some information are not the information of public importance”. Replying to the Niš Committee for Human Rights' 2017 request for copies of the media content of public interest from years 2015 and 2016, the Ministry of Culture and Information said that, since the information concerned were not created by a public authority, they were not of public interest. The Ministry replied that media content is the work of

¹¹ *Official Gazette of the RS*, Nos 120/2004, 54/2007, 104/2009, and 36/2010.

¹² Article 2 of the Law on Free Access to the Information of Public Importance.

¹³ The Commissioner for Information of Public Interest and Personal Data Protection was not sure whether there are any IPRs on the project documentation. In our analysis of the Law on Copyrights and Related Rights it will be shown that there can be no IPRs on the documents under the administrative procedure.

authorship and that, without the consent of the author concerned, the Ministry may not allow such content to be copied by third parties. Deciding in second instance, the Commissioner determined that the Ministry's reasons to refuse to submit the information are groundless. This was yet another case in which the Commissioner determined that the requested information (media contents) are relevant for the assessment of the lawfulness of the process for co-financing the public interest in public information. Weighing the public's right to know against the copyrights on the media content¹⁴, the Commissioner took the position that media content should be made available to the prosecutor and/or the public. Such a view does not impair the rights which an author of media content is provided based on the Law on Copyrights and Related Rights or other regulations, nor does it exclude the liability of the complainer if he abuses the information once he obtains them.

It may be concluded here that, based on the Law on Free Access to the Information of Public Importance, all information created based on a call for media content co-financing are the information of public importance (project proposals, budgets, media contents, narrative and financial reports). Anybody may request such information and public authorities have the obligation to deliver them to the requestor. The requestor of information has "the right to consume" the obtained information (e.g., to watch the recorded TV programmes). However, the requestor of information does not have ownership rights over the media content obtained.

The Law on Copyrights and Related Rights

The Law on Copyrights and Related Rights¹⁵ lays down what is to be considered a work of authorship and the ownership rights of a copyright holder. The work of authorship is an original product created by an author, expressed in a certain form, regardless of its artistic, scientific or other value, intended use, size, content, or manifestation, and regardless whether the publication of its content is allowed or not.¹⁶

An interesting question is whether the media content co-financed by public money represent submissions in administrative proceedings.¹⁷ Media contents are submitted as evidence for the implementation of project, accompanied with narrative and financial reports.¹⁸ The Law on

¹⁴ This is another case in which the Commissioner was not sure whether copyrights exist on the media content created within calls for co-financing of public interest in public information.

¹⁵ Official Gazette of RS, No 104/2009, 99/2011, 119/2012, 29/2016 – Decision of the Constitutional Court, and 66/2019.

¹⁶ Article 2. of the Law on Copyrights and Related Rights.

¹⁷ Submissions are requests, proposals, forms, petitions, complaints, applications, communications and other ways in which a party turns to a public authority in written form. A submission may also have a different content is it is so provided by a regulation (Article 58 of the Law on General Administrative Procedure).

¹⁸ Article 26 of the Law on Public Information and Media.

Copyrights and Related Rights provides that submissions in administrative proceedings are not works of authorship.¹⁹ **The documents relating to the call for co-financing of media content (project proposal, budget, narrative and financial reports) are the submissions in administrative proceedings and cannot be deemed to be works of authorship.**

Media contents are deemed to be the works of authorship and, as a result, they are subject to the protection of moral and property rights. The publication of the media content of public interest requires the consent of the author and/or the holder of property rights. For media content which the authors created based on employment contracts, property rights belong to employers for a period of five years after such work is completed (unless otherwise provided by a general act or employment contract). Even within this mentioned five-year period, the author is entitled to a special remuneration subject to the effect generated by the use of his work. After the expiry of this period, exclusive property rights on the work lie with the author.²⁰

In view of improving the access to the media content co-financed by citizens' money, two different legal cases may be distinguished. The first case is when the holder of property rights publishes the media content on his own website or a third party's website (such as YouTube). In this case, a database may be created of links with media content that lead to media's website or YouTube, unless this was explicitly forbidden by the holder of property rights. **The second case is when media content co-financed by public money is not published on the Internet.** The consent of the author and/or holder of property rights is required for the publication of such media content.

The consent of the holder of property rights may be provided based on the contract on media content co-financing. In the City of Niš, the contracts on co-financing the media content production in the field of public information introduced, in 2018, an obligation for media content producers to, after completing the project, make the media content available online, permanently and for free, and to notify about that (IP addresses) the Secretariat for Culture and Information. None of the media content producers who received funds based on the call of the City of Niš in the past three years, have objected to the mentioned contractual obligation. According to the information obtained from the representatives of the City of Niš, media outlets publish their media content online and notify the City about relevant links. The publication of media content was adopted based on a proposal made by the Niš Committee for Human Rights.

It may be concluded that introduction of a legal obligation to publish media content online (Law on Public Information and Media) would not be contrary to the Law on Copyrights and Related Rights. According to the Law on Free Access to Information, media contents are the information of public importance. Ever since 2015, media outlets have been publishing only the media content co-financed by public money and no major abuse of property rights was noted in relation to such contents.

¹⁹ Article 6 of the Law on Copyrights and Related Rights

²⁰ Article 98 of the Law on Copyrights and Related Rights

The Law on Electronic Government

Decree on detailed requirements for the development and maintenance of public authorities' websites

Decree on detailed requirements for the establishment of electronic government

Decree on the organisational and technical standards for the maintenance and enhancement of the Integrated Information and Communication Network, and the connection of public authorities on this network

Decree on keeping the Meta-Registry, on the manner of approving, suspending, or revoking access to the eGovernment Network Service, and on the manner of operation on eGovernment Portal

Decree on the manner of operation of the Open Data Portal

The Law on Electronic Government²¹ specifies what is implied by open data²² and introduces a possibility to submit a request for reuse of data for commercial or non-commercial purposes.²³

1. **Who can submit a request?** Any natural or legal person may submit the request for reuse of data.
2. **To whom the request is submitted?** The request may concern the data which are in possession of public authorities and organisations, the provincial autonomy authorities and organisations, local self-government authorities and organisations, institutions, public enterprises, special bodies through which regulatory function is being discharged, and legal and natural persons who are entrusted public authorisations and is submitted to those authorities.
3. **Content of the request.** The request should contain the following data: name of the authority, personal name of the applicant, address, precise description of the data whose reuse is being requested, and the format and the manner of obtaining the data for reuse. The application should also indicate the purpose for which the requested data are to be reused. The indication of the purpose for which the data are to be reused does not exclude the right of the user to also use the data for other purposes.
4. **Deadline for deciding on the request.** The Law on Electronic Government lays down that rules from the procedure for exercising the right of free access to the information of public importance also apply to the procedure for approving the applications for reuse of data. Decision on the request for reuse of data should be made within 15 days after the receipt of the request. If the authority is not able to decide within the specified deadline,

²¹ *Official Gazette of the RS*, No 27/2018.

²² Article 4 of the Law on Electronic Government

²³ Article 25 of the Law on Electronic Government

the deadline may be extended but may not exceed 40 days after the receipt of the request.

5. **Approval of the request for reuse of data.** If the authority decides to approve the request for reuse of data, they will make an official notice²⁴. The response to the request's approval may be access to data or delivery of a copy of data. In accordance with the application, the authority should deliver to the applicant the data suitable for reuse (in a machine-readable format).
6. **Refusal of the request for reuse of data.** In the event of refusal, the authority shall make an administrative decision against which the requestor may appeal to the Commissioner for the Information of Public Importance and Personal Data Protection, within 15 days after the delivery of the administrative decision. In the event of the "silence of the administration", an appeal with the Commissioner may be filed after the expiry of the 15-day period in which the authority is supposed to respond.

Reasons to refuse the request for reuse of data are the following:

- *Refusal of the request applicable to the access to the information of public importance:* harmful effects on health, safety or another vital personal right; harmful effects on court proceedings, the enforcement of ruling, or the execution of sentence; severe harmful effects on national or public security, or foreign relations; material reduction of the capacity of the state to manage economic relations or promote economic interests and allow access to a document that discloses a classified (secret) information, which may give rise to grave legal and other consequences to the interests protected by law²⁵. A reason for refusal may also be the event when a publicly available information is being requested, or when the applicant abuses the law (asks for overly large number of information, repeatedly makes the same or a similar request).
- *If the data were created by a third party but are in possession of the authority.* If the data were created by a third party and the authority has the possession of them in accordance with its powers and responsibilities, that fact cannot be the reason to refuse the application for the reuse of data.
- *If the requested data are subject to an explicit intellectual property right.* In this event the authority shall notify the applicant about the holder of *intellectual property rights*. If the authority with which the application for reuse of data is made is the holder of *intellectual property rights*, they can either refuse or decide to approve the request. A work of authorship (e.g., in the database) may be a reason to refuse the request for reuse of data if the author concerned does not consent to the reproduction of his work or to the modification of its integrity.

²⁴ Article 16 of the Law on Free Access to the Information of Public Importance

²⁵ Article 9 of the Law on Free Access to the Information of Public Importance (*Official Gazette of the RS*, Nos 120/2004, 54/2007, 104/2009 and 36/2010).

- *If the application concerns the data of the authorities providing public media services or carrying out broadcasting activity, and such data concerns the media services which are provided in accordance with the law on public media services and electronic media. This exception does not apply to the media content co-financed by public money based on a call that is in accordance with the Law on Public Information and Media.*
- *If the data are the product of research made by educational or scientific institutions, other than libraries in higher education institutions.*

The Open Data Portal²⁶ started operation in 2017 and the Law on Electronic Government defined the obligation of the public sector to have the data from within its purview published on the Portal and allow free access to them²⁷. There is an exception from the obligation to create or adapt the open database – when it requires a disproportionate amount of time or resources. **In the end of 2018, the Government enacted the Decree on the manner of Open Data Portal operation²⁸** which regulates in more detail the manner in which the Portal operates and its organisation and technical standards. This Decree defines the communication between the public sector entities and the Office for IT and eGovernment: acquisition of user’s rights, obligation of the authorities on the Portal, use of data, and technical standards of (open) datasets.

Two years after the Law on Electronic Government was adopted, it is still not known how the right to submit the request for reuse of data is actually implemented. The Open Data Portal published 274 datasets from 58 entities, out of which 46 are public sector entities.²⁹

The Republic of Serbia is a member of an international initiative called Open Government Partnership or OGP³⁰. Under the rules of Open Government Partnership, member states adopt two-year action plans in which, in cooperation with civil sector, they assume commitments in specific areas (open data, fiscal transparency, integrity of the government, public services, access to information, and public participation). Based on the initiative of the Niš Committee for Human Rights Measure 4 – *Opening of data from the call for financing the operation of associations and co-financing the production of the media content of public interest* was adopted in the Action Plan for the period 2018-2020. The idea is that the data on co-financing of media content under a call, which public authorities publish on their websites, should be in the form of open data. Now they are publicly available and transparent (usually in the form of a PDF document), and the goal is that they should be in the form of open data.

²⁶ Office for Information Technology and Electronic Government (2017) *Open Data Portal*, <https://data.gov.rs/>.

²⁷ Article 27 of the Law on Electronic Government.

²⁸ *Official Gazette of the RS*, No 104/201

²⁹ Data as of 6 November 2020

³⁰ More details about the initiative is available at <https://www.opengovpartnership.org/>, <http://mduls.gov.rs/reforma-javne-uprave/unapredjenje-transparentnosti-uprave/partnerstvo-za-otvorenu-upravu/?script=lat> i <https://ogp.rs/>.

Responding to Measure 4 of the OGP Action Plan for the period 2018-2020³¹, in the end of 2018 the Government of Serbia adopted the Decree on detailed requirements for the development and maintenance of public authorities' websites³². Legal grounds for the adoption of this Decree are provided by the Law on Electronic Government. Provisions of this Law relate to the public sector in general: public authorities and organisations, provincial autonomy authorities and organisations, local self-government authorities and organisations, institutions, public enterprises, special bodies through which regulatory function is being discharged, and legal and natural persons who are entrusted public authorisations. The Law authorised the Government to adopt a bylaw to further regulate the development and maintenance of public authorities' websites³³. The Decree specified the requirements to be met by the content of public authorities' websites. One of the requirements is that the content should be in a machine-readable format³⁴. It can be said that Serbian public sector is obliged to ensure that all contents of websites are provided in a machine-readable format. However, the authorities are not sure how exactly they are supposed to implement this new rule. The Office for Information Technologies and e-Government should have explained in more detail how to ensure that website content is in a machine-readable format, but this has not happened yet. The data should be in a machine-readable format so that the programme process them. This would enable fast processing of large quantities of data. **It can be concluded that legal framework for the implementation of Measure 4 of the OGP Action Plan for the period 2018-2020 has been adopted but that it is not implemented.**³⁵ The OGP Working Group meets every three months. The Committee for Human Rights will monitor future implementation of the above Measure from the OGP Action Plan for 2018-2020.

Decree on detailed requirements for the establishment of electronic government³⁶ introduced the obligations applicable to the entire public sector³⁷. It is a duty of public authorities to ensure professional staff and to train their staff with regard to the use of ICTs, information security, open data and the information of public importance. Public authorities have been introduced an obligation to use the electronic government infrastructure as provided by the relevant

³¹ Ministry of Public Administration and Local Self-Government (2018), the Open Government Partnership Action Plan for the period 2018-2020, <http://mduls.gov.rs/wp-content/uploads/AP-OGP-2018%E2%80%932020..pdf?script=lat>.

³² Official Gazette of the RS, No 104/2018.

³³ Article 28 of the Law on Electronic Government.

³⁴ Article 3 of the Decree on detailed requirements for the development and maintenance of public authorities' websites.

³⁵ Decree as a measure is provided in the OGP Action Plan for 2018-2020, and the Action Plan for the implementation of Public Administration Reform for 2018-2020.

³⁶ Official Gazette of the RS, No 104/2018.

³⁷ This Decree lays down detailed requirements for the establishment of electronic government, or for the discharge of duties entrusted to public authorities and organisations, organisations, provincial autonomy authorities and organisations, local self-government authorities and organisations, institutions, public enterprises, special authorities through which regulatory function is being discharged, and legal and natural persons who are entrusted public authorisations in view of the establishment of electronic government (Article 1).

Government service³⁸. Based on the above legal provision, it can be said that local self-government units are also required to use the e-government infrastructure as provided by the Government. **If the Government prepares a central technical solution for the submission of project proposals, reporting, and publication of the links to media content under the calls for co-financing of public interest in public information – then all levels of government (local, provincial, national) are obliged to use it.** It is also necessary to amend the Law on Public Information and Media. The obligation of LSGUs to use central technical solution when it comes to their original competencies had not been defined in this way before. The Decree introduced the obligation for public authorities to have an electronic office³⁹. Although the existence of an e-Office would facilitate the introduction of a central technical solution for the implementation of calls for co-financing of public interest in public information, it is possible to create a technical solution without an e-Office.

Decree on the organisational and technical standards for the maintenance and enhancement of the Integrated Information and Communication Network, and the connection of public authorities to this network⁴⁰ define organisational and technical requirements for the maintenance and improvement of the Electronic Government Network. Although this Decree is also applicable to the entire public sector, it deals with the technical requirements for connecting to, using, and withdrawing from the Electronic Government Network.

Decree on keeping the Meta-Register, on the manner of approving, suspending, or revoking access to the e-Government Network Service, and on the manner of operation on e-Government Portal⁴¹ regulates the manner of entering in the register and entering the records in electronic format into the Meta Register. It defines the procedure of adding, suspending, and revoking the access to the Integrated Information and Communication Network of the e-government, which are located in the National Centre for Data Management and Storage. The Decree provides that public authorities shall publish their electronic services at the e-Government Portal, and lays down electronic delivery, electronic receipt of delivery, and requirements for the use of e-Government Portal. The above Decree regulates the requirements and procedures for the use of e-Government Portal by public sector entities in Serbia.

The analysis of the Law on Electronic Government and above-mentioned Decrees did not come up with any barriers to improving the transparency of the media content of public interest.

Law on Electronic Document, Electronic Identification, and Trusted Services in Electronic Business

³⁸ Article 4 of the Decree on detailed requirements for the establishment of electronic government

³⁹ Article 6 of the Decree on detailed requirements for the establishment of electronic government

⁴⁰ Official Gazette of the RS, No 104/2018.

⁴¹ Official Gazette of the RS, No 104/2018.

Decree on the requirements for the preparation of documents for reliable electronic storage, and on document formats suitable for long-term preservation

The Law on Electronic Document, Electronic Identification, and Trusted Services in Electronic Business⁴² defines how an electronic document is to be signed, how e-Seal and e-Mark are to be used, how the receipt of electronic document is to be confirmed and how such document is to be archived, as well as other issues relating to electronic communication.

When the development of a central system for project notification and the publication of links to the media content co-financed by public money starts, the provisions of above Law must be taken into account. It is necessary to allow for the submission of project proposals and reports by using the electronic signature. Considering that legal persons already use electronic signature to submit their annual financial reports to the Business Register Agency, this would be nothing new for media outlets⁴³. Media content producers may be sole proprietors. Sole proprietors who make estimated tax payments do not have the obligation to submit annual financial reports. Unless they have used e-Signature to date, it will be something new for them. We believe that it is not necessary to use e-Seal and e-Mark when submitting projects and reports. It is acceptable that a document is electronically signed by an authorised representative. In case of the submission of annual reports to the BRA it is also acceptable that a company's authorised representative signs the report electronically.

Archiving of documents in electronic format should make it easier for public authorities to implement the calls for co-financing the media content of public interest. Under the **Decree on the requirements for the preparation of documents for reliable electronic storage, and on document formats suitable for long-term preservation**⁴⁴, a manager in the public authority should determine the format and the method of preparation of document for reliable preservation. This Decree identifies three different cases of electronic archiving, subject to the original format of the document: (1) from a format other than electronic, (2) from an electronic format that is not suitable for preservation, and (3) from an electronic format that is suitable for preservation.⁴⁵ In the first case, the preparation manager digitises the document in an electronic format suitable for preservation. The manager is obliged to, when digitising the documents, keep the authenticity of the document and indicate the meta-data (date when it was created, origin, date of digitisation, etc).⁴⁶ In the second case, the preparation manager converts the document in the format suitable for preservation. In this second case, too, it is important to keep the original

⁴² *Official Gazette of the RS*, No 94/2017.

⁴³ According to the data of the National Statistical Office, 98.6% of companies used eGovernment services in 2016

⁴⁴ *Official Gazette of the RS*, No 86/2018.

⁴⁵ Article 5 of the Decree on the requirements for the preparation of documents for reliable electronic storage, and on document formats suitable for long-term preservation.

⁴⁶ Article 6 of the Decree on the requirements for the preparation of documents for reliable electronic storage, and on document formats suitable for long-term preservation.

content, usability, and meta-data of the document.⁴⁷ In the third case, when the original document is in electronic format and suitable for preservation, the manager checks the document integrity and adds the meta-data.⁴⁸ The Decree defines the formats in which texts, images, documents containing text and image, binary format of documents, and construction, geodetic and other project documentation are preserved. **It does not identify any standard for the preservation of audio and video content. Long-term preservation of audio and video content in electronic format is not identified as a suitable format,**⁴⁹ but this does not include CDs in which audio or video recordings are stored.

Based on analysing the Law on Electronic Document, Electronic Identification, and Trusted Services in Electronic Business and the Decree on eDocument archiving, we believe that there are no barriers to archiving the media content links (texts). With regard to e-Archiving of video or audio content, it is necessary to amend the above Decree so as to include electronic archiving of audio and video documents.

Law on State Aid Control

Decree on the rules for approval of state aid

State aid control system was first established ten years ago, based on the Stabilisation and Association Agreement for Serbia's joining the EU⁵⁰. The new Law on State Aid Control⁵¹ was adopted in 2019 and started to apply in the beginning of 2020.

State aid is any actual or potential public expenditure or realised decrease in public revenue which was conferred by state aid grantor in any form whatsoever, by which a market participant is given a more favourable market position in respect to the competitors, or production of certain products or services are given preferential treatment which, as a result, causes or threatens to cause distortion of the market competition and affects trade between the Republic of Serbia and EU member states. Subsidy (grant) is mentioned as a form of state aid⁵².

State aid grantors may include the Republic of Serbia, the autonomous province, or a local self-government unit. State aid beneficiary is a market participant - any legal or natural person

⁴⁷ Article 7 of the Decree on the requirements for the preparation of documents for reliable electronic storage, and on document formats suitable for long-term preservation.

⁴⁸ Article 8 of the Decree on the requirements for the preparation of documents for reliable electronic storage, and on document formats suitable for long-term preservation

⁴⁹ Article 13 of the Decree on the requirements for the preparation of documents for reliable electronic storage, and on document formats suitable for long-term preservation.

⁵⁰ *Official Gazette of the RS*, No 83/2008.

⁵¹ *Official Gazette of the RS*, No 73/2019.

⁵² Article 3 of the Law on State Aid Control.

carrying out an economic activity⁵³. If a beneficiary implements a project of special interest for the Republic of Serbia (such as public information), such beneficiary may be granted state aid⁵⁴.

Rules on state aid control apply to the promotion of public interest in public information. The projects concerned, however, are projects of small value, or below “de minimis” aid which is amounts to 23 million of state aid for the previous three fiscal years. This means that state aid grantor is not obliged to notify the Commission for State Aid Control. However, grantor is still obliged to notify the Commission about the approval of “de minimis” aid⁵⁵. For the production of films or TV programmes, state aid may be granted above the “de minimis” under calls for co-financing the media content of public interest⁵⁶. The Public Information Development Strategy for 2020-2025 provides that state aid for media content co-financing will be granted in accordance with state aid scheme in future.

The analysis of state aid system did not discover any provisions which prevent the digitisation of the state aid granting process carried out by a ministry. There are regulations which equalise electronic signature and electronic document, thus encouraging the digitisation of state aid granting. The Law on Electronic Document, Electronic Identification, and Trusted Services in Electronic Business⁵⁷ almost completely equalises electronic document and electronic signature with a paper document and a handwritten signature⁵⁸. Before March 2021 a Government e-Office should be put in place for all ministries, which could considerably accelerate the state aid digitisation process.

Public Information Reform Strategy for the period 2020-2025

Problems in the approach to media content co-financed by public money were also reported during the development of the Strategy for the Development of Public Information in the Republic of Serbia for the period 2020-2025.⁵⁹ Measure 4.4. provides for the appropriate achievement of the purpose of project co-financing – supporting the production and distribution of (lacking) content in public interest.

It is envisaged to make a central application for the submission of project proposals, which would include broadcasted media content links: *“introducing centralised application system*

⁵³ Article 4. of the Law on State Aid Control.

⁵⁴ Article 5. of the Law on State Aid Control.

⁵⁵ Article 8. of the Law on State Aid Control.

⁵⁶ Article 87 of the Decree on rules for state aid granting.

⁵⁷ *Official Gazette of the RS*, No 94/2017.

⁵⁸ Electronic signature may not be used in contracts on inheritance rights, transfer of ownership, contracts regulation intermarital relations, etc.

⁵⁹ Government of Serbia (2020), Strategy for the Development of Public Information in the Republic of Serbia for the period 2020-2025, <https://www.srbija.gov.rs/dokument/45678/strategije-programi-planovi-.php>.

through a single IT platform which, inter alia, would facilitate the implementation of legal provisions which disallow that the same projects are financed, over a specific percentage, by different levels of government, but also makes the content that is financed in this manner accessible to all, in an area that is wider than the area in which specific media are distributed, and this in such a way that the IT platform facilitates the search of projects, applications and pertaining decisions, while also containing the links to broadcasted, or published, content that is financed in this manner“.

The initiative for proactive online publication of the media content of public interest is in accordance with the Public Information Reform Strategy for 2020-2025. Hopefully, the Action Plan will promptly regulate the implementation of Measure 4.4. of the Strategy.

Strategy for Public Administration Reform

The Strategy for Public Administration Reform⁶⁰ was adopted in 2014, but the text of the Strategy does not indicate its validity period. Considering that the Action Plan for the Implementation of the Strategy is valid in the period 2018 - 2020⁶¹, we suppose that also the Public Administration Reform Strategy will be valid at least until the end of current year. **Section III A 4. Is devoted to the use of ICTs to increase cost-effectiveness and effective provision of public services to individuals and legal entities.** The Strategy recognised how important e-Government is for keeping records about public authorities and organisations, data about public calls, monitoring the case status, and the decisions that were made. The provision of services should be customised to fit the needs of individuals and businesses, not only that of public administration. The Strategy is an obsolete document and it is necessary to adopt a new one.

Based on the Action Plan for the Implementation of the Strategy for 2018-2020, legal acts regulating electronic government which are analysed in this text were adopted⁶². Interestingly, about 270 laws should be prepared in Quarter IV of 2020 to align specific administrative

⁶⁰ *Official Gazette of the RS*, Nos 9/2014, 42/2014 - corr., and 54/2018.

⁶¹ Action Plan for the implementation of the Public Administration Reform Strategy for 2018-2020, Ministry of Public Administration and Local Self-Government <http://mduls.gov.rs/wp-content/uploads/AP-RJU-narativni-deo-2018-2020.pdf>.

⁶² The Decree on detailed requirements for the development and maintenance of public authorities' websites; the Decree on detailed requirements for the establishment of electronic government: the Decree on organisational and technical standards for the maintenance and enhancement of the Integrated Information and Communication e-Government Network, and for connecting the authorities to that Network; the Decree on the manner of keeping the Meta-Registry, the manner of approving, suspending, or revoking access to the eGovernment Network Service, and on the manner of operation on eGovernment Portal; Decree on the manner of operation of the Open Data Portal.

procedures with the Law on Administrative Procedure (LAP)⁶³. Ministry of Public Administration and Local Self-Government – Division for Good Governance is the Coordination Body for the alignment of specific laws with the LAP. Although the Republic of Serbia was supposed to join the Open Data Charter before end of 2019, this did not happen yet⁶⁴.

There is nothing in the Strategy for Public Administration Reform that is contrary to the initiative for proactive publication of media content co-financed by public money on Internet.

Strategy for Information Society Development, for 2010-2020

The Strategy for Information Society Development was adopted in 2010 and its validity period is until 2020.⁶⁵ The development of e-Government is one of the priorities under the Strategy⁶⁶. **A deadline until 2020 was set for providing for an option that all contacts between the individuals and public authorities, holders of public authorisations, courts and healthcare system - with the exception of those contacts whose very nature requires physical presence – are made in an electronic format, without leaving one’s home or place of work.** As regards administrative procedures, there is still lot to do in order to achieve the goal that has been set. The development of new Strategy for the Development of Information Society is expected to start after the 2020 parliamentary elections and the election of the new Government.

Neither in this Strategy did we find anything contrary to the proactive publication of the media content of public interest on Internet.

Strategy for the Development of Next-Generation Networks, for 2018-2023

The Strategy for the development of next-generation networks until 2023 was adopted in 2018.⁶⁷ **This Strategy also underlines the importance of the development of e-Government services and states that these services should be developed on a common platform and using server**

⁶³ Measure 4.1. Improving the administrative procedures and ensuring the involvement of public authorities and public administration bodies and organisations in decision-making about the rights, obligations, liabilities, and legal interests of the individuals and other entities, in accordance with the principles of good governance.

⁶⁴ Measure 5.1. Improvement of the environment for the interested public participation in public administration and public finances.

⁶⁵ Official Gazette of the RS, No 51/2010.

⁶⁶ Priority No 2 e-Government, e-Health, and e-Justice.

⁶⁷ *Official Gazette of the RS*, No 33/2018.

clusters, or cloud infrastructure⁶⁸. This provision is in accordance with the Measure 4.4. of the Strategy for the Development of Public Information for 2020-2025 which provides for the development of a central system for application, reporting, and publication of media content links created under the call for co-financing of public interest in public information.

The Strategy encourages the introduction of open data wherever it is possible.⁶⁹ It underlines that it is necessary to apply interoperability standards to ensure better use of data. It also mentions the data which cannot be published in open data format (personal data). On the other hand, the use of the material expressed in recordings, such as vital signals or images, free from personal information, should be available to medical staff in view of comparative diagnostics or education.

In the analysis of the Strategy for the development of next-generation networks, no provisions were found to be contrary to the initiative for proactive publication of the media content of public interest on Internet.

Operational Plan of the Government for 2020

It is stated in the Operational Plan of the Government of the Republic of Serbia that in the end of 2020 it is to propose to the National Assembly to adopt the Proposal of the Law on Amendments to the Law on Public Information and Media.⁷⁰ This deadline will be shifted at least to the end of 2021. There is enough time to analyse and prepare proposals for the improvement of the transparency of the media content of public interest.

If there is a need for a certain activity for the improvement of the transparency of the media content of public interest to be entered in the OGP Action Plan, the deadline for the adoption of the Plan is the end of 2020. It is expected that the Decree on office management by public authorities will be adopted before end of year. This Decree should further regulate electronic archiving of documents, which is important for the process of project e-application and e-reporting. The Ministry of Public Administration and Local Self Government is responsible to propose the Decree.

⁶⁸ 3.3.1. Main technologies of the Digital Single Market, the Strategy for the Development of Next-Generation Networks until 2023

⁶⁹ 5.1.4.3. Working with large quantities of open data (Big Data), the Strategy for the Development of Next-Generation Networks until 2023

⁷⁰ Operational Plan of the Government for 2020, https://www.srbija.gov.rs/extfile/sr/370541/plan-rada-vlade-srbije-za-2020_cyr.pdf.

Programme for the development of electronic government in the Republic of Serbia for the period 2020 – 2022 with the Action Plan for its Implementation

Programme for the development of electronic government for 2020 – 2022, with the Action Plan⁷¹ was adopted in June 2020. This is an extensive and well-written programme for the development of e-Government. It was made based on the Law on the Planning System.⁷² The development programme indicates the results of the NALED survey on the development of e-Government and the IPSOS survey on the positions taken by the individuals and businesses with regard to e-government. **The twenty-one institutions which were covered by the survey stated that they use the area of 80,000 m² for archiving purposes, and that capacity utilisation level is 85%.** A large quantity of papers and other material are produced every year in connection with calls for co-financing the media content of public interest. And all these need to be kept for years. Digitisation of the process will save public authorities' and media content producers' money and space needed for archiving.

The IPSOS survey showed that the users of public administration services tend to resist change, the same as the persons employed in public administration. It was suggested that e-Services, including e-Procedures, are established in such a manner that clients are not given opportunity to choose traditional forms. **If a public authority introduces electronic project application and reporting, then it is necessary to exclude the use of paper.** This should not be a big problem in case of electronic services for legal persons and sole proprietors. It is hardest to transit to full digitisation when an electronic service is introduced for general population.

Public administration data opening is one of four objectives of the Programme for the development of e-Government. Measures for the achievement of this objective are the following: ensure the implementation of the legal framework for open data, improve the Open Data Portal, support the use of open data, and introduce the e-City concept. In 2017, the economic potential of open data in Serbia was estimated to 1 - 2 percent of gross national income (USD 414-829 million). The performance indicator for Measure 4.2. Improvement of Open Data Portal is the number of machine-readable datasets which were published and are regularly updated on the Portal. Under the Action Plan for the implementation of the Programme for the Development of e-Government, the number of open datasets to be published in 2020 is 2400 (274 has been published thus far), with 2800 and 3200 to be published next year and in 2022, respectively. **The proposal for opening the data from the calls for co-financing of the media content of public interest is in conformity with the plan for the development of e-Government and can help to achieve this ambitious plan until 2022.**

⁷¹ *Official Gazette of the RS*, No 85/2020.

⁷² *Official Gazette of the RS*, No 30/2018.

Main findings of the interviews concerning the transparency of the media content of public interest

In the period June - September 2020, eleven persons were interviewed about the transparency of media content co-financed by public money: three persons from the ministries, one person from the special administrative body, one from AP Vojvodina, three persons from LSGUs, two from journalists' associations, and one from the organisation involved in media content transparency. The interviews were semi-structured: questions were not strictly defined and precise, and the conversation focused on several different topics. Set up like this, the interview guide facilitated the collection of detailed and contextualised information about current status and proposals with regard to improving the transparency of the media content of public interest. Our goal is to hear the participants' views while trying to influence their answers the best we can. We are not publishing the names of our interviewees, nor their places of work, because it was our wish to ensure that they answer the questions freely and honestly.

The interview guide included the following topics:

1. Views with regard to current status of media content accessibility and transparency
2. Familiarity with the Strategy for the Development of Public Information, 2020-2025
3. Impact of property rights (copyrights) on the improvement of the transparency of media content
4. Familiarity with the Decree on detailed requirements for the development and maintenance of public authorities' websites
5. How do you benefit from greater accessibility of media content (for those participants who are not working in public sector)
6. Main obstacles to greater transparency of media content

Main findings

1. Views concerning present status of media content transparency

Four fifths of all interviewees believe that the accessibility and transparency of the media content of public interest should be increased. One interviewee said that the accessibility and transparency of media content are satisfactory: "Where I live 80% of people have finished only a three-year secondary school. All-the-time accessible media contents would interest nobody except researches and university graduates". Another interviewee believes that "Internet is not the right place for some media contents such as radio programmes or newspaper feuillets".

Four fifths of all interviewees believe that the accessibility and transparency of the media content of public interest should be increased.

2. Familiarity with the Strategy for Public Information Development, for 2020-2025

All interviewees have heard that a new Strategy for the Development of Public Information has been adopted. Two thirds of the interviewees, however, are aware that the Strategy includes a provision that provides for the development of central application to be used to submit the projects and publish the media content links (Measure 4.4). One interviewee, who did not hear for this Measure, said: “I don’t care what is written in the Strategy, I am only interested in the text of the law”.

Two thirds of the interviewees are aware that the Strategy includes a provision that provides for the development of central application to be used to submit the projects

3. Impact of property rights (copyrights) on the improvement of the transparency of media content

Possible abuse of property rights (copyrights) due to the publication of media content online was recognised by almost all interviewees. Only one interviewee said: “I don’t see the problem”, considering that he believes that nobody ever registered a programme as a work of authorship (in the IPR Office)“. The IPR protection is the main reason why some public authorities refuse to have the media content of public interest delivered to the requestors concerned. Regardless of the decisions issued by the Commissioner for access to information and personal data protection, some public authorities still refuse to deliver the copies of media content. Further confusion was caused when some public authorities co-financed media contents at the level amounting to 5 or 10% of their respective budgets and did not know whether they are allowed to deliver copies of media content. Some interviewees believe that the government needs to finance 100% of media content production and that the government needs to be the holder of property rights. One interviewee said that it is currently the global trend that the government finances 100% of media content.

Possible abuse of property rights (copyrights) due to the publication of media content online was recognised by almost all interviewees.

4. Familiarity with the Decree on detailed requirements for the development and maintenance of public authorities' websites

The Decree was adopted in the end of 2018. It introduced the obligation to ensure that all content on websites of the entire public sector in Serbia is provided in a machine-readable format. Unfortunately, there was no progress after the Decree was adopted. It is therefore understandable that four fifths of interviewees were not aware of the existence of this legal obligation. If the Decree were implemented, the data about the calls and their outcomes would be provided in a machine-readable format, which would provide for greater transparency of the entire process of the call for media content co-financing.

Four fifths of interviewees were not aware of the existence of Decree on detailed requirements for the development and maintenance of public authorities' websites.

5. How do you benefit from greater accessibility of media content (for those participants who are not working in public sector)?

Only the interviewees who are outside public sector were asked this question. The received answers were all heard before, namely that this will improve the media content quality, reduce abuse, and help the analytics of media content. One interviewee said it is the government that benefits the most from media content analysis. This was the first time we heard that the accessibility of media content should help to evaluate the performance of the members of evaluation commissions. This is important for journalists' associations which want to evaluate the performance of people they have seconded to evaluate the project proposals.

Benefits from greater accessibility of media content: better quality of media content, less abuse, better analytics, and evaluation of decisions made by tender commissions.

6. Main obstacles to greater transparency of media content

All interviewees were asked to say what they consider the greatest obstacle to the publication of media content at a single place online: 1) political will, 2) legislation, 3) human resources, or 4) technical capacity? Most of our interviewees, about 72%, believe that legislation is the main problem; about 19% of them believe that it is the lack of political will, and 9% point at technical capacity. Interestingly, only a small number of interviewees believe that political will constitutes the main problem for improving the transparency of the media content of public interest. One interviewee said: "Politicians do not mind whether media content (co-financed by public money) is visible or not, because such content is not about them at all".

The greatest obstacle to the publication of media content online is lacking legislation (72%), lacking political will (19%), or technical capacity (9%).

Initiative for state aid digitisation in calls for media content co-financing, in Open Government Partnership Action Plan for 2020-2022

Since June 2020 when the process for the development of the new OGP Action Plan for 2020-2022 was initiated we have attended the meetings of the Working Group for the improvement of the transparency of public authorities' operation. At one of the meetings that was held online, it was proposed that the measure of digitising the state aid granting process should be introduced. This proposal was accepted as one of 25 measures⁷³.

According to the methodology of the Open Government Partnership, this is a 'transformative measure' which significantly changes the area concerned. It was proposed that one state aid granting process be chosen as a pilot project for digitisation. There are two reasons why we talked about digitising the process of co-financing the media content of public interest. The first reason is that the Ministry of Culture and Information receives some 1,500 project proposals a year and that this number increases by 10% every year. The employees of the Ministry of Culture and Information have a need to digitise the above process and reduce the number of working hours in administrative processes. The second reason is that the adopted Strategy for Public Information Reform provides for the development of a central application to be used to apply for projects and report about them.

The title is the following: Commitment 17. Create a single IT platform to enable the monitoring of project co-financing in public information. This commitment will contribute to the enhancement of several major values of the Open Government Partnership.

Primarily, this commitment is relevant for the enhancement of fiscal transparency considering that its implementation would provide for public accessibility of the data on spending the budget funds intended for media content co-financing. At the same time, it is relevant from the perspective of the enhancement of access to the information available to public authorities considering that the IT platform addressed by this commitment will provide for the accessibility of a considerably larger set of information and data about how budget funds are spent in the

⁷³ Working Group for the development of the Action Plan will surely decrease the number of proposed measures.

area of media content production. Additionally, these data will be centralised and available at a single place, ensuring easy access for citizens and other interested parties.

This commitment is also relevant in view of enhancing the accountability of public authorities, considering that it implies the putting in place of clear rules for the publication of data about how budget funds are spent, both through the amendments to legislative framework and the creation of the environment conducive for more effective oversight over the implementation of law.

Finally, taking into account that this commitment implies the creation of a suitable IT platform, it is directly connected with the use of technologies and innovations, which is a specific value of the Open Government Partnership.

The representatives of the Ministry of Culture and Information have principally accepted the proposal to have the calls for media content co-financing digitised within the OGP Action Plan. When you have digitised one process, then it would be easy, with small changes, to digitise other calls for state aid granting.

Recommendations

We propose that the transparency of media content co-financed by public money be enhanced through the following:

1. Digitisation of the process of co-financing the media content of public interest

The development of a centralised system to be used to apply for projects through a single IT system⁷⁴ constitutes the digitisation of a state aid process. Digitisation implies e-Application with a project proposal, the use of e-Signature, electronic access and decision-making by the members of the commission, development of e-Administrative Decisions, training for public administration employees, and other issues. When the Ministry of Culture and Information starts to implement Measure 4.4., they will need some time, as well as professional and financial support to digitise the call. When one call for state aid granting is digitised, however, only small technical changes will be required to apply the same logic to other processes.

Within the process of developing the OGP Action Plan for 2020-2022, the commitment 17. was proposed. It is about the implementation of Measure 4.4. from the Public Information Reform Strategy. **The Ministry of Culture and Information assumed the commitment to have the calls for media content co-financing digitised within the**

⁷⁴ Measures 4.4. Ensure the achievement of the purpose of project co-financing – supporting the production and distribution of (lacking) content in public interest, the Strategy for Public Information Reform, 2020-2025.

following two years. In order to implement the central application, it is necessary to amend the Law on Public Information and Media. This is common procedure when a process is being digitised. For time-saving purposes, developing a technical solution is starting right away and, at the same time, legal framework is amending.

Digitisation of the call for media content co-financing is the best way to improve the transparency of the entire process. The Strategy for Public Information Reform for 2020-2025 envisages a central IT platform that contains links to the broadcasted, or published, media content.

As regarding technical capacity for the digitisation of the call for media content co-financing, the government has already developed some technical solution which can be used. This in the first place includes the e-Government Portal <https://euprava.gov.rs/> which is recognised by law as a single place for the submission of requests to public authorities. The Office for IT and e-Government has developed a technical solution of electronic user authentication by means of a qualified electronic certificate <https://eid.gov.rs/>. The government has also developed a technical solution for attaching e-Signature to documents, which can be used in the digitisation of calls. There is also a developed e-Delivery system which may be used, through and e-Inbox, for communication between public authorities and applicants. It is necessary to develop an IT solution which will use the above technical solutions and develop new ones, such as: e-Form, access to e-Documents by members of the commission so that they can read and appraise them, development of a common e-Administrative Decision, publication of links to media content, etc. The existing servers which are used by the government are sufficient for the digitisation of calls for media content co-financing.

If the Government does not adopt the mentioned Measure 17. in the OGP Action Plan for 2020-2022, we propose that other recommendations be adopted in the following amendments to the Law on Public Information and Media.

2. Introducing the obligation to publish media content online

In 2018 the City of Niš introduced, in the contract on co-financing, the contractual obligation for media to “make media content available permanently and for free, and deliver to the City Administration the information about the website in which the content is published“. In three years of its implementation, no one complained about this obligation and media outlets are publishing their media content online⁷⁵.

Proposal to amend Article 26 of the Law on Public Information and Media:

⁷⁵ Scientific works financed by the money of the EU citizens within the EU Horizon programme are not only publicly available but can also be used for free. See more details on <https://open-research-europe.ec.europa.eu/>.

“The narrative and financial report on implemented project activities is to be delivered to the public authority which decided on the distribution of funds, in accordance with contractual obligations.

The report referred to in paragraph 1 of this Article shall be accompanied with the evidence of project implementation.

Media contents created based on this Law shall be freely available online, and the links in which they are published shall be delivered to the public authority making the call.

When a new obligation is introduced by law, the Rulebook on project co-financing may regulate in more detail the issues such as: minimum period of time for media content availability online (such as the archiving period), possible use of Creative Commons standards for media content⁷⁶, the obligation of media outlets to notify the public authority about the change of the link to media content, etc.

As indicated in the analysis, media contents co-financed by public money are the information of public importance. This would ensure that they are proactively published and available for consumption and analysis. Proposed amendments to the Law on Public Information and Media do not change legal regime for the protection of property rights (copyrights). For further use of media content, the consent of the holder of property rights will be required.

⁷⁶ See more information about the Creative Commons licenses on <http://creativecommons.org.rs/>.