

II MONITORING OF THE IMPLEMENTATION OF EXISTING REGULATIONS

1. *Public Information Law*

1.1. The implementation of the Public Information Law has partly been elaborated on in the section on freedom of expression.

2. *Broadcasting Law*

On its session held on December 3, the Council of the Republic Broadcasting Agency (RBA) adopted the Report on the Fulfilling of Legal and Programming Obligations of the Radio-Television of Serbia for the year 2011. That Report will be tabled to the Managing and Programming Committee of the RTS, the Parliament's Culture and Information Committee and the Ministry of Culture and Media. The Report has also been posted on the RBA website. Analyzing the Report, the daily "Danas" said that in the year 2011, the RTS had failed to fulfill its obligation provided for by the Law to broadcast independent production content. The Report says that content made by independent production companies accounted for 6.27% of the RTS channel 1 and almost 7.4% on channel 2, which remains below the legally prescribed minimum of 10% of content made by independent production companies in the overall annual programming. In terms of genre, newsprogram remains the predominant content on RTS channels, accounting to almost half of the overall programming on RTS1 and close to one third on RTS2.

Under the Broadcasting Law, the RBA is competent, among other things, for overseeing the work of broadcasters and controlling the consistent implementation of the provisions of the Broadcasting Law. The Law also stipulates that the RTS Managing Board shall, inter alia, adopt plans and reports about the work and business of the public broadcasting service and inform the public, the RBA and the Parliament about it. Unfortunately, the RTS Managing Board has pretty much failed in this field. In that sense, the report prepared by the RBA's Oversight Department and the Program Analysis Department is aimed at filling the holes in the exact data pertaining to the programs of the public service broadcaster. The key problem with this report is that it was unable (in the absence of publicly available programming plans) to show the extent to which the programming plans of the RTS had been accomplished through the actually aired content of this media. Therefore, the report deals merely with the mandatory programming quotas and

concludes that they have indeed been fulfilled in relation to content produced in Serbian language, as well as in relation to own production content, but not in relation to independent content. In all fairness, the report could be criticized for neglecting the issue of quality, while focusing on the quantity aspect alone. It seems, however, that it is primarily a problem of the closed nature of the RTS and the absence of permanently open channels of communications between the public service broadcaster and the public, through which one would be able to see the measure to which (from the standpoint of the intended recipients of the program) the RTS has performed its function. The report was also untimely. Its adoption by the RBA, in the period when the Agency should have already summed up the results for 2012, can hardly yield the proper effect on the programming plans for 2013, since it is probably already too late for that. In any case, such reports could have a far greater effect if released with a lesser delay relative to the period they pertain to and if they were merely the first step of a process involving a public debate about the programming plans for the following years. In the contrary case, they will have a limited reach.