

III MONITORING OF THE PROCESS OF ADOPTION OF NEW LAWS

1. *Law on Public Information and Media, Law on Electronic Media*

After the exposé of the representative of the Ministry of Culture and Media on the session of the Parliamentary Committee for Culture and Media, which was held on July 17, it is almost certain that three laws will be adopted instead of two. Namely, the Law on Public Service Broadcasters will exist as a separate law. Interestingly enough, a brief about the progress of in the drafting of media laws was included subsequently in the agenda for the aforementioned session, where ANEM's monitoring publication (dealing with the successes and failures of the media reform) was presented. Speaking at the session, Assistant Minister of Culture and Media Dragan Kolarevic said that the Draft Law on Public Information and Media has been entered into the official government procedure. He also said that the Draft Law is expected to be tabled to the Parliament in September, after the reception of the opinion from Brussels. As for the Draft Law on Electronic Media and the Draft Law on Public Service Broadcasters, the public debate is expected to take place in late August. Kolarevic said that all the draft laws were made with the assistance of EU and OSCE experts and the Serbian media community. In addition to the members of the Parliamentary Committee, the debate about the media laws included the representatives of the Ministry, the media community and international organizations. They discussed the issue of financing of PSB's and possible consequences of the withdrawal of the state from media ownership and transition to project financing. Other topics included the media register, addressing the question of competences for dealing with unlawful media concentration, as well as the future of the local media. The Assistant Minister for Culture and Media said that the budget is going to be the main source of funding for PSB's until 2015. The representatives of the media community criticized the delay in the adoption of media laws, which under the Media Strategy should have been passed back in March. They pointed to the problem of inconsistent regulation in the area of project financing of the media, which will result in different application of general legal principles governing project financing at the level of the Republic, Autonomous Province and local self-government. Furthermore, the media community believes that the question whether specific provisions of other laws may be repealed by the Law on Public Information and the Media, is not a formal, but an essential question and that it should not be solely to the Republic Legislation Secretariat to decide about it. Certain provisions of the Law on Local Self-Government, Law on the Capital City, Law on the Protection of Ethnic Minority Rights, Law on Ethnic Minorities Ethnic Councils, Law on Tanjug and Law on Public Services, are most certainly in breach of the constitutional principle of uniformity of the legal system. If the position of the Republic Legislation Secretariat is that such provisions may not be repealed by the Law on

Public Information and Media, the issue of the inconsistency of legislation will remain topical. The representatives of ANEM retained the right to also comment on the provisions on unlawful media concentration, when the Draft Law on Electronic Media becomes available, since the last Draft does not contain provisions on unlawful concentration of property for electronic media. Some of these concerns are shared by the representatives of the European Commission, which have criticized the delay of media reforms. According to the EC Directorate, the implementation of the Media Strategy “is not the key priority”, in view of the decision of the European Council on opening the accession negotiation with Serbia. In a letter addressed, at the initiative of the European Enlargement Commissioner Stefan Füle, by the Head of Relations with Serbia Myrriam Ferran, to the Tanjug and Beta news agencies, the EC says that “tangible progress was needed” in that field. The letter underscores the fact that the “first deadlines” provided for by the Media Strategy have already been exceeded, since the media laws that would specifically regulate the status of the Tanjug news agency (and other state-owned media) were supposed to be passed back in March. The letter highlighted the need to align state financing of the media at different levels with the rules on state aid, including financing through advertising campaigns from public sources. It was concluded that Serbia, an EU candidate country, will have to face the issues of transparency of ownership and media financing, which constitute key indicators in the association process, along with the necessary and urgent withdrawal of the state from media ownership.

2. *Law on Public Media Services*

After it was officially announced that the position, organization, financing and other issues relevant for the operation of public media services, will be regulated by a separate law, as well as that the main source of their funding will come from the budget, it is legitimate to ask if such a model will be sustainable and whether the public media services will be able to discharge their programming functions, especially since their track record until now in that field hasn't exactly been satisfactory. Moreover, the solution for the budget to be the main source of funding of the PSB hasn't been recognized in the Media Strategy and hence the draft law that will introduce such a concept will be diverging from the Strategy. Besides, that model hasn't been successful in other European states either. The Montenegrin model, often mentioned since it also entails budget financing, can hardly be an option. Unlike Serbia, Montenegro has less than 700 thousand inhabitants and only one PSB. In addition, a key question is how to ensure the necessary independence of the PSB from political pressure from the executive branch, namely from the Government and the Ministry of Finance. The EC's media experts that have analyzed the prepared drafts said that, prior to switching to budget financing, it should be explained why

aren't Serbian citizens paying the subscription fee. Considering the sensitivity of that question and the crisis endured by PSB's, they proposed a compromise solution, under which the subscription should remain, while models would be introduced to make the collection thereof more effective and the budget would provide only the missing portion of the funds. Part of the funds coming from the budget would be gradually reduced, proportionately to the increased collection rate.