

### **III MONITORING OF THE PROCESS OF ADOPTION OF NEW LAWS**

#### **1. LAW ON ILLEGAL MEDIA OWNERSHIP CONCENTRATION AND TRANSPARENCY OF PUBLIC MEDIA OWNERSHIP**

The Law on Illegal Media Ownership Concentration and Transparency of Public Media Ownership, the draft of which has been made by the work group set up by the Ministry of Culture, which draft was tabled to the Ministry as back as in April this year, is yet to be adopted by the Government and sent to the Parliament. The draft has undergone public discussion late last year and early this year and the working group has accepted certain objections voiced during the said discussion by the representatives of the media industry. The draft is posted on an Internet presentation at <http://www.kultura.sr.gov.yu/dokumenti/Zakon-o-nedozvolj-objedinjavanju-i-javnosti-vlasnistva.doc>

#### **2. BROADCASTING LAW**

The working group set up by the Ministry of Culture is working on the amendments to the Broadcasting Law. The draft is expected to be presented to the public in the second part of 2009.

#### **3. ADVERTISING LAW**

The working group set up by the Trade Ministry is working on the amendments to the Advertising Law. The said Ministry has announced that the draft amendments, expected to be more liberal, should be presented to the public in the second part of 2009.

The current law has been – at the request of broadcasters and their associations – slightly changed in its implementation, by the acceptance of their justified suggestions and a less rigid interpretation of certain provisions of this law by the competent authorities overseeing compliance with advertising rules (RBA). Since there are a lot of these provisions, the Law ought to be changed for the sake of legal security, because its interpretation may easily vary and be selectively applied. Changes to the Law are expected to involve the said changes occurred in practice. More over the Law is also expected to be thus put in line with new European standards and regulations governing this area.

#### **4. CRIMINAL CODE**

By Amendments to the Criminal Code, which are, as announced by the Justice Ministry, expected to be tabled to the Parliament in July, the criminal offences of attempted murder or murder of a journalist shall be subject to no less than 10 years in prison. Threats against journalists shall be punishable by a jail term from 1 do 8 years. “We must send a message and only this will protect journalists. If someone threatens you not to do reportage, that person will be held accountable”, the State Secretary in the Justice Ministry Slobodan Homen said.

For the time being there is no information as to whether the Justice Ministry, as the proposer of the announced changes to the Criminal Code, is considering the possibility to decriminalize slander and libel. The Code from 2005 had revoked only jail sentences for these criminal offences.

On the other hand, in view of the many threats, assaults, and even unsolved murders of journalists, as well as the long foot-dragging of the cases of assault even when the perpetrators are known, stiffening the sanctions in these cases could contribute to the function of general prevention.

#### **5. COPYRIGHT AND RELATED RIGHTS LAW**

In the period from April 29, 2009 to May 15, 2009, a public discussion was held about the draft version of the Law on Copyright and Related Rights prepared by the experts of the Intellectual Property Office and the Ministry of Science and Technological Development. As opposed to the current Law, which gives right to organizations for collective realization of copyright and related rights to completely independently set the tariff of fees for usage these rights, the Draft Law provides for a tariff of fees resulting from an agreement between the organization and the representative users association. If an agreement is not reached, the Draft stipulates that a new body – the Copyright and Related Rights Commission – shall give the approval for the tariff, as the condition for the entry into force thereof.

In the course of the public debate, in proposals and comments, ANEM has insisted on specifying the mechanisms based on which the attribute of a particular association as the representative association of beneficiaries would be determined, as well on enabling the beneficiaries’ associations to have their representatives in the Copyright and Related Rights Commission. [See here](#)

## **OPINION**

*Although the previous period has seen increased activity of the relevant ministries on producing the changes of existing or preparing the draft of new laws, the general conclusion is that changes of media regulations are insufficient and slow. The very procedure for their adoption is complicated and long-lasting for it involves the participation of multiple authorities and it is often marred by political pressure or subordinated to the interests of influential individuals or groups. Therefore it often happens that initially good solutions are excluded or changed in that procedure to the extent that they become obsolete due passage of time. Nevertheless, the main shortcoming for achieving a stable regulatory framework is the lack of a state media strategy, resulting in partial, often conflicting solutions for certain problems.*