

II MONITORING OF THE IMPLEMENTATION OF EXISTING REGULATIONS

1. Law on Public Information

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

1.2. Late September on the media scene was marked by a debate related to the report of the independent media production company "Za medija" from Zajecar about alleged embezzlement of public money earmarked for public information in that city and the attempts of the city authorities to brutally take full control of the editorial policy of local media. Journalists' associations reacted vehemently to the report and pointed to the fact that the media's access to information about the work of the City Council in Zajecar had been restricted, by allowing the private television station "TV Best" enjoy a monopoly on these information. Furthermore, persons related to "TV Best" assumed managing positions in the City Council, while the former editor of the station was elected mayor. "TV Best" replied to these allegations that the reason for the complaints of "Za medija" was the fact that it had not received funds in an open competition for media because, as "TV Best" claims, "Za medija" is not a media outlet at all, but merely an independent production company.

The row in Zajecar has shown to what extent the systemic regulation of state aid allocated to the media is important for the latter's survival, as well as for competition in the media scene, which is undermined by opaque subsidies. What remained "in the shadow" were the claims that the journalists in Zajecar were prevented by following the Council sessions, since they were banned from personally attending them. Reportedly, the journalists only receive footage from Council sessions made by CC-TV cameras, with several days of delay. Another reason for concern is the claims that the footage is not sent from the IP address of the City Council, but from that of "TV Best". That is why "Za medija" believes that "TV Best" is privileged comparing to other media and journalists in Zajecar. Under the Law on Public Information, local government bodies and councilors must make information about their work available to the public, under equal conditions for all journalists and all media. Preventing a journalist to attend Council sessions and making footage available to one (or several particular) station only (while furnishing it to other media with several days of delay), definitely constitutes discrimination and violation of the provisions of the Law on Public Information. Since this case is not an exception, it is obvious that

Serbia has a problem with enforcing the Law on Public Information in the part calling for non-discriminatory treatment of the media by state authorities and local government bodies.

2. Broadcasting Law

At the session held on September 13, the Council of the Republic Broadcasting Agency (RBA) decided to reject the complaints of the Radio and Television Activities “Kopernikus Cable Network” d.o.o. from Nis and “Nova.rs Television” d.o.o. from Belgrade, lodged against the Council’s Decision on August 9 not to allocate a national license for television broadcasting. Article 54 of the Broadcasting Law says that the applicant in an open competition, which is dissatisfied with the decision of the Council, shall be authorized to submit a complaint within 15 days from receiving the decision rejecting his application. Paragraph 2 of the same Article says that the Council shall pass a decision on the complaint within 30 days. An administrative procedure may be initiated against the Council’s decision.

By the time this Report was finalized, it was not disclosed which of the applicants filed an action before the Administrative Court against the RBA Council’s decision rejecting the complaints. It remains, however, to be seen what will happen with the frequencies left vacant after the license of TV Avala was revoked (which frequencies remain vacant after the decision to reject the complaints of the two applicants on the latest open competition). According to the RBA’s rationale in interpreting the Broadcasting Law in this case (that the open competition shall be called always when, based on the Frequency Allocation Plan, there is a possibility to issue new broadcasting licenses, as well as that, despite the fact that the drafts were ready, the Ministry of Foreign and Internal Trade and Telecommunications hesitated, for reasons unknown, to amend the Frequency Allocation Plan that would reassign the vacant frequencies for the extension of the initial network for broadcasting of digital signal, which would thus become the network for the digital simulcast waiting for the digital switchover), the RBA may, in principle, repeat the open competition. The only unquestionable, but rarely mentioned fact is that the interest potential investors have in obtaining a national broadcasting license in Serbia in 2013 is dramatically lower than in 2006. Back then, some of the leading international media companies aspired to coming to Serbia, such as News Corporation, which obtained a license for its Fox Television (later sold to the Greek Antenna Group) in 2006 or RTL, which fell short on the competition that same year. In the meantime, News Corporation left and the RTL lost interest, just like the CME Group, which operates in Croatia, Slovenia, Bulgaria, Romania, the Czech Republic and Slovakia. This should be a clear enough message that the media scene in Serbia is

not doing well, as well as a sufficiently clear conclusion that the foundation of the Broadcasting Development Strategy, adopted back in 2005 (according to which, for the needs of commercial broadcasting at all levels, Serbia must ensure as much space on the air as possible), is obsolete. There is obviously no sufficient interest by the media industry to create the competition necessary for the RBA to choose the best. Hence, the tender for national coverage in Serbia involves candidates without the proper references, for several reasons. The Broadcasting Development Strategy from 2005 was poor from the start and failed to recognize the fact that quantity in the media scene did not necessarily bring quality. Too many national licenses on a feeble market have resulted in television being a business today, unable to yield return on investment. That is why it is paradoxical that the RBA has called a competition according to the old Strategy, obsolete and harmful when applied to the existing changed circumstances, instead of passing a new Broadcasting Development Strategy (since the previous one expires in 2013 anyway), which would determine differently the number and type of broadcasters for which the competition is called. Everything else not only postpones the switchover and the necessary technological changes, but also undermines the professionalism and independence of the media and the development of broadcasting and creativity in the field of radio and television in Serbia, instead of boosting it.