

NATIONAL PARLIAMENT OF THE REPUBLIC OF SERBIA

Committee for Culture and Information

Kralja Milana 14

Belgrade

Belgrade, March 3, 2009

Subject: Appointment of members of the Council of the Republic Broadcasting Agency

I am writing to you, in accordance with the Article 24, paragraph 1 of the Broadcasting Law, as a representative of the Association of Independent Electronic Media (ANEM), the Independent Journalist' Association of Serbia (NUNS) and the Independent Journalists' Society of Vojvodina (NDNV), who are, as associations of broadcasters and journalists, according to legal provisions in the Article 23, paragraph 2, point 4 of the Broadcasting Law, authorized proposers of candidates for members of the Council of the Republic Broadcasting Agency.

We are concerned with the conclusions made on the sixth session of the Committee for Culture and Information held on February 26, 2009, especially the conclusion that the procedure of appointment of members of the Council of the Republic Broadcasting Agency should be repeated, which could cause the blockade of the activities of the Republic Broadcasting Agency. Therefore we want to emphasize the following:

The lists of candidates, which have been submitted to you – one from the associations of broadcasters, journalists, film and drama artists and composers, and several lists from non-governmental organizations and citizens' associations – are in compliance with the provisions of the Broadcasting Law. With regard to the lists of non-governmental organizations and citizens' associations, the Broadcasting Law explicitly allows them, in the Article 24, paragraph 6, to propose more than one list of candidates. The Law explicitly stipulates that in such case the valid list should be the one that is signed by more organizations or associations (authorized proposers) who have had more implemented projects, initiatives and published publications in their field of work.

With regard to the list of associations of broadcasters, journalists, film and drama artists and composers, the subjects who have participated in creation of the list and jointly agreed on it, delivered

a list with three names. We therefore consider that legal requirements have been fulfilled, meaning that the list contains at least two names, which is in accordance with the legislator's intention that the National Parliament be offered more than one candidate on the list. We believe that the important thing is to preserve the right of the National Parliament to effectively make a choice between several proposed candidates, not that there should be two and no more than two candidates. We wish to emphasize that the Law does not stipulate that a list with more than two candidates cannot be used to make a decision.

We agree with your conclusion that it is necessary to initiate a procedure for modification of provisions of the Broadcasting Law relating to appointment of the members of the Council and proposal of candidates, because this part of the Law is not sufficiently clear. However, the field of broadcasting in Serbia needs a fully functional regulatory body immediately, and the appointment of members to already vacated seats in the Council cannot and must not wait until the possible modifications of the Law in the future. These potential modifications should regulate future appointments of the members of the Council of the Republic Broadcasting Agency, not the current one, and the Association of Independent Electronic Media, the Independent Journalists' Association of Serbia and the Independent Society of Journalists of Vojvodina are prepared and willing to constructively participate in debates leading to modification of the Law.

We believe that it is not necessary to initiate the procedure for authentic interpretation of the Article 24, paragraph 1 of the Broadcasting Law. The said provision is intended to provide the National Parliament with the possibility of making a choice among several candidates on the lists. The intention of the said provision is not, and cannot be, to insist on agreement on two and no more than two candidates and to create a vicious circle which prevents the appointment of the members of the Council. Insistence on the procedure of authentic interpretation of the Law will leave the area of broadcasting in Serbia without a working and functional regulatory body for a long time.

We remind you that during the previous procedure of appointment of members of the Republic Broadcasting Agency, since it was not possible to reach an agreement on a joint list with only two candidates, ANEM and NUNS, as well as their candidates, withdrew from the procedure, thereby allowing the National Parliament to make a choice between two candidates from a list that did not have full support of the media sector. Now a list with three candidates has been agreed upon, but at least it has full legitimacy, meaning that no authorized proposers or candidates have withdrawn from the procedure. The Committee should take this fact into account.

In the end, we wish to point out that your proposal that current members of the Council of the Republic Broadcasting Agency, whose mandate has expired, should remain in position until the

appointment of new members of the Council, violates the Broadcasting Law. Namely, the Law explicitly stipulates that the mandate of Council members ends after the expiry of their appointment period and does not allow members whose mandate has expired to remain in duty until the appointment of new members.

Association of Independent Electronic Media (ANEM), the Independent Journalist' Association of Serbia (NUNS) and the Independent Journalists' Society of Vojvodina (NDNV), appeal to you to act in accordance with the law, take into consideration the fact that the work of the Council without all members could easily be blocked and Serbian broadcasting left without a functioning regulatory body, and reconsider and withdraw the conclusions made on the sixth session of the Committee, as well as to invite the president of the National Parliament to publish without further delay the list of candidates of the associations of broadcasters, journalists, film and drama artists and composers, with biographical information for all three candidates from the list, as well as the list of candidates of non-governmental organizations and citizens' associations with candidates' biographical data, and to pronounce the lists valid in accordance with the Article 24 of the Law, which would allow immediate voting on new members of the Council of the Republic Broadcasting Agency.

Representative of

ANEM, NUNS and NDNV,

Sasa Mirkovic,

president of ANEM