

II MONITORING OF THE IMPLEMENTATION OF EXISTING LAWS

1. Law on Public Information

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

1.2. The President of the Serbian Constitutional Court Bosa Nenadic announced at the beginning of the year that this institution would review, amongst other laws, the Law on Amendments to the Law on Public Information. The Spokesperson of the Constitutional Court Dejan Milic has confirmed, in an interview in the Danas daily, that the assessment of the constitutionality of the Law on Amendments to the Law on Public Information has been scheduled as part of the activities of the Constitutional Court in the first quarter of 2010 and that the decision should be expected by the end of March.

1.3. The deadline for the registration of public media, which is provided for as obligatory by the Law on Amendments to the Law on Public Information, expired on January 11, 2010. The Business Registers Agency, which is keeping the Public Media Register, has received a total of 496 applications, while 414 media have been registered. The founders of the not yet registered media are risking fines reaching several million dinars and a court ban on the publication of their outlets. The authors of this report have learned that the only issues that have arisen with the registration were related to cable television channels. These channels were not registered with the Register and remain in a legal limbo. Namely, the Business Registers Agency requires, as a precondition for registration, the possession of license issued by the RBA. However, the RBA is still not issuing such license due to an absence of the proper bylaws. By the end of the period covered by this report, no procedure had been initiated, nor were there any information about whether any of the major print or electronic media, except cable TV channels, failed to register with the Public Media Register.

1.4. In early February, media and journalists' associations – founders of the Press Council – appointed their representatives to the Managing Board of the first media self-regulatory body in Serbia. The Managing Board of the Press Council comprises the following members: on behalf of the Media Association – Dragan Bujosevic, the Editor in Chief of Politika; Manojlo Vukotic, the Editor in Chief of Vecernje Novosti; and Srdjan Radulovic, the Editor in Chief of the weekly NIN; before Local Press – Vladan Filipcev, the President of the said

organisation and the Editor in Chief of "Becejski mozaik"; on behalf of the Journalists' Association of Serbia (UNS) – Ljiljana Smajlovic and Predrag Jeremic and on behalf of Independent Journalists' Association of Serbia (NUNS) – Dimitrije Boarov and Safeta Bisevac. Milorad Ivanovic, the Deputy Editor in Chief of Blic; Aleksandar Djivuljski, the Editor in Chief of Dnevnik and Filip Svarm, the Deputy Editor in Chief of the Vreme weekly will be deputies of the members of the Managing Board from the Media Association. Branko Zujovic and Slobodan Stojicevic will be the deputies of the members of the Managing Board from UNS, Tamara Skrozza and Slavisa Lekic the deputies of the members of the Managing Board from NUNS, while Stojan Markovic will be the deputy member of the Managing Board from Local Press. After it was constituted, the Managing Board of the Press Council called a competition for three representatives of the public in the Complaints Commission, which will be established subsequently. The Press Council, as the first self-regulatory body in Serbia, and particularly the Complaints Commission, is expected to contribute with its decisions to a more consistent application of professional standards; it should also indirectly influence the Law on Public Information, which should result in fewer legal proceedings related to violations of the said Law.

2. Broadcasting Law

2.1. In the period preceding the local elections in the Municipality of Vozdovac, the online radio station "Liberal Democratic Party Zvezdara" began broadcasting and continued to do so after the elections. Rade Veljanovski, Professor at the Faculty of Political Sciences in Belgrade, told the daily Danas that, although no permit is required for Internet webcasting, the broadcasting itself of the said radio station was in breach of the Broadcasting Law. On the other hand, Assistant Minister of Culture in charge of the media Natasa Vuckovic-Lesendric believes that everything is in order with LDP's radio station, precisely because the Broadcasting Law does not require a permit for Internet webcasting.

The Broadcasting Law indeed stipulates that Internet webcasting is not subject to a permit. However, it also stipulates that the provisions of the said Law apply to the content of the program. Moreover, it clearly says that the holder of the broadcasting permit may not be a political party. The provisions of the Broadcasting Law pertaining to the content of the program and accordingly applying to online media involve, among other things, the obligation to provide free, complete and timely information to the citizens, as well as the obligation to refrain from advertising political organizations outside of the election

campaign, namely to secure equal representation, without discrimination, of all registered political parties, coalition and candidates, in the course of the election campaign.

A legitimate question to ask is whether a political party web radio may fulfill such requirements, namely whether the content of its program is lawful, although its operation itself is not necessarily unlawful. Different opinions that may be heard in the public about LDP's radio only confirm that one should not resort to the regulation of new media content by simple analogy and by invoking rules governing traditional media, because new media and new platforms for the distribution of media content often require a new and innovative regulatory approach.

2.2. The Bishop's Palace of the Sumadija Eparchy in Kragujevac was the venue of the meeting of eleven Orthodox radio and TV stations. According to a report in Dnevnik on February 19, the topic of the gathering was networking and content-related cooperation, as well as the initiative to be tabled to the bishops and the Church's Holy Synod for the establishment of the Association of Electronic Church Media. Since 2006, when the issuance of broadcasting licenses began, a total of 11 Orthodox and five Catholic radio and TV stations were established. At the above mentioned meeting, the participants said that the Law did not authorize churches to have national or regional electronic media, but only local ones, as well as that the possibility for the churches to commercialize their broadcasting operations has been restricted, since the possibility to air commercials is subject to all the restrictions applying to the public service. The participants also insisted on a more liberal regime for the networking of church stations.

Article 70 of the Broadcasting Law allows for the networking of two or more broadcasters with the purpose of simultaneous broadcasting, without the use of radio frequencies, in the duration of up to three hours a day, continuously or cumulatively. As an exception, the Law stipulates that the Republic Broadcasting Agency (RBA) may pass a decision allowing for networking in a longer period of time, if according to the RBA's judgment such decision is in the public interest. Such provision was explained by the concern that the networking of a greater number of local or regional broadcasters could endanger media pluralism and circumvent provisions about media concentration. The liberalization of the conditions for networking is one of the requirements that will increasingly be voiced by not only church stations, but also commercial ones, especially in the time of crisis when few can afford quality media content. One of the current projects is the TV project "National", aired on a number of regional television stations, the duration of which does not exceed three hours per day. According to the findings of the authors of this report, the RBA did not pass any decision

allowing for networking exceeding three hours per day, nor has it received any request to that effect.