

III MONITORING OF THE ADOPTION OF NEW LEGISLATION

In the period covered by this report, the Parliament of the Republic of Serbia did not discuss any law of particular relevance for the media sector. However, the Serbian translation of a Media Study was published, which was produced by experts engaged by the European Commission. That Study should represent the basis for the drafting of a Media Strategy and consequently for the amendments to a whole range of regulations, including the Law on Public Information, the Broadcasting Law, the Law on Local Self-Government, the Law on the Capital City and the National Minorities' National Councils. The above should hopefully result in the reorganization and reform of the Serbian media scene. In this report we will hence tackle some of the recommendations contained in the Media Study.

The recommendations of the Media Study are divided in six groups, pertaining to:

- local, municipal and regional radio and television stations and for local print media
- national broadcasting in Serbia
- regulatory bodies – the Republic Broadcasting Agency, the Republic Telecommunications Agency and the Press Council
- digitalization
- media content (this group of recommendations is dealing with the issues of electronic media program distribution, intellectual property protection and improvement of media literacy)
- support to media.

The most interesting recommendations are most certainly the ones foreseeing the creation of a new model of regional broadcasting in Serbia, to be based on regional public broadcasters. The authors of the Study the Ministry of Culture propose that the Ministry of Culture defines 10 to 15 regions, each of which would set up a Program Council with 17-21 members. These program councils would elect the management boards of the said new regional public broadcasters. Management Boards with between 7 to 9 members would then, on a public competition, elect the executive directors and editors-in-chief of regional public broadcasters, which would have all editorial and financial powers and responsibilities. Each regional public broadcaster would be established as an independent legal entity, which would take over the equipment and the staff of regional and local broadcasters controlled by the municipalities. The recommendation is also to offer private radio and television stations to assign their equipment and staff in the regional public broadcasters or to continue to air program until

the expiry of their broadcasting license. Regional public broadcasters would be funded by a fee derived from the existing subscription fee charged by RTS and would not own any independent frequency; they would broadcast on RTS' frequencies in periods to be determined through collective bargaining mechanisms of the public broadcasters' network and the RTS. The recommendations allow for the possibility for regional broadcasters to increase after a while the number of regional broadcasting hours, namely to set up a joint national channel of regional public broadcasters, if appropriate and if the proper financial and political conditions are met. One of the recommendations is that Radio Television of Vojvodina (RTV) is reorganized as a regional public broadcaster, which would air its program in time slots on RTS channels, instead of boasting the current two channels. Concerning national commercial broadcasters, it is recommended to set up a fund from the RTS subscription fee for their production of content that is typical for a public broadcaster (investigative journalism, documentary content, etc.). It is also recommended, when the licenses are renewed after their expiry, to reduce the existing six national licenses for five television stations, to only two. At that, at the competition for the renewal of licenses, the content of the program would outweigh the potential revenues that the state could generate through fees charged for the frequencies.

A separate set of recommendations concerns the collection of the subscription fee. A new collection system is recommended, which would include the establishment of a separate company, in order to minimize the loss due to collection costs and maximize the efficiency of collection. The Study also recommends that the subscription fee be increased by 50% in order to yield funds not only for the RTS, but also for regional public broadcasters, including RTV, their production of content for RTS, as well as for the regional production of civil society stations, the program of minority media and the commercial media production of content for RTS.

As early as on July 7, several NGOs from the organization Gradjanska Vojvodina issued a press release sharply criticizing the recommendation that the Public Service of Vojvodina be effectively scrapped, namely to be "reduced to one among the dozen regional radio and television stations operating within the RTS system", as indicated in the press release. Gradjanska Vojvodina went on to say that it was unhappy with the current situation in RTV and that it considers that a huge effort is needed in order to transform RTV in a modern public broadcaster in the service of all citizens of Vojvodina, free of any political interference. On the contrary, if RTV is reduced to a mere "window" of RTS, without its own broadcasting channels, this will seriously jeopardize the rights of the citizens of Vojvodina – particularly the rights of national minorities – to receive information. Gradjanska Vojvodina comprises the Independent Association of Journalists of Vojvodina, the Center for Regionalism (Novi

Sad), the Center for the Development of Civil Society (Zrenjanin), the Helsinki Committee for Human Rights (Belgrade-Novı Sad), the Civil Fund Panonija (Novı Sad), the Open Lyceum (Sombor), Green Network of Vojvodina and the Civil Action (Pancevo). There were no comments to the study from other sources during the period covered by this report, but they would likely appear after the start of the public debate and the announced series of round tables.

What may be immediately inferred about the above recommendations is that their implementation would involve a 100% collection rate of the subscription fee (which currently stands at barely 50%), accompanied by a 50% increase of the fee itself. At the same time, although the efficiency of the fee's collection in itself is not contested, the Study falls short of giving any recommendations as to the restriction of RTS' rights to be also funded from commercial sources. On the other hand, the document rightfully recognizes the problem that has been created in Serbia with the issuance of an unreasonably high number of broadcasting licenses; it does not, however, recommend any incentives by which the state could promote the consolidation of the media market. Local and regional commercial broadcasters are recommended to either assign their equipment and staff to the regional public broadcasters and thus practically disappear and or to continue broadcasting until the expiry of the license, without the possibility to renew it. The Study did not propose any alternative to the above concept, for example by incentives for mergers of local broadcasters in order to achieve greater regional coverage, while at the same time favoring still unprivatized municipal media. Access to a larger market, less competition, lower costs and greater municipal funding that would result from such mergers have not been sufficiently examined in the Study. Furthermore, it seems that the space and support provided for by the Study to civil sector stations are disproportionate to the presence of such broadcasters on the Serbian media scene, in view of the fact that, for example, there are no civil sector television stations in Serbia. A good course of action would be to rededicate regional frequencies that the Study has recommended to be attributed to civil sector television stations and allot them to commercial broadcasters, the disappearance of which would cause serious harm to the media scene.

Furthermore, it seems that such dramatic interventions in the very core of the media system would need to be carried out gradually and to be constantly reassessed through pilot projects. If the authors of the Study are of the opinion that the citizens may be better informed about regional issues through regional public broadcasters that would be devoid of their own frequency (broadcasting in the framework of the existing RTS channels), such concept could perhaps be tried out in one region or several regions through a pilot project, before its actual implementation in the whole of Serbia. Testing any solution beforehand through pilot

projects should not be rejected in advance. Otherwise, if as a society we fail again to make the right decision, the ensuing damage could be irremediable.