[YU] Media Legislation Reform Under Way

IRIS 2001-3:1/18

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The first important steps undertaken by the new Government of Serbia have repealed the 1998 Law on Public Information of Serbia and made changes to the 1991 Serbian Law on Radio Television.

The fate of the 1998 Law on Public Information was pretty much as expected - first, on 5 January 2001, the Federal Constitutional Court published its Ruling on the constitutionality of that Law (see Official Gazette of FR Yugoslavia NR. 1/2001-4). The Ruling found the following articles to be in breach of "FRY Constitution, international law and federal law": Art. 17, Art. 26 para 1, Art. 27, Art. 38 para 3, Art. 41 para 3, Art. 42 para 2 and 3, Art. 43, Art. 44 para 1 in regard to the wording "within 3 days from the day the motion has been received" and para 2, Art. 45, Art. 46, Art. 47 para 2, Art. 48, Art. 52, Art. 54, Art. 61 to 64, Art. 67, Art. 68, Art. 69, Art. 70 para 1 subpara 3 in wording "if they start publishing, i.e. broadcasting before the entry into the registry (Art. 17) or", Art. 71 para 1 subpara 1, Art. 72 to 74, Art. 76. Other articles that were examined were not found to be in breach of the Constitution. After that, at the session of the Serbian Assembly held on 14 February, the Law was repealed, "apart from the provisions pertaining to the registration of media, right of reply and right of correction". That means that only articles 12 to 23 (apart from Art. 17 quashed by the Federal Constitutional Court), and articles 37 to 41 (apart from Art. 38. para 3 and Art. 41 para 3, quashed by the Federal Constitutional Court) of the 1998 Law on Public Information remain in force.

As for the Law on Radio Television of Serbia, the Serbian Assembly repealed articles 30 to 33 and article 36 of that Law at its session on 13 February. Those provisions stipulated the financing of the Radio Television of Serbia (RTS) through a special fee paid along with the electricity bill, the amount of which was linked to the price of electricity. The state broadcaster is therefore left without any sources of autonomous financing, and shall be financed directly from the budget until the new regulation on state television is passed.

The new regulations, which should regulate media and broadcasting, are expected to be passed by June 2001. The current position of the expert group, working within the Media Centre under the auspices of the new authorities, is that the whole media sphere should be regulated by two acts - a general media law and a broadcasting law. Following the most recent recommendation of the

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conference on adapting Yugoslav regulations to European standards, the proposed general media law shall be based upon a Model Media Law drawn up in 1998 by a group of independent experts (apart from parts of that Model that pertain to broadcasting)

Since the new broadcasting regulations shall provide for a transitional period for the adjustment of existing broadcasters to the new legal environment, the actual changes in Serbian broadcasting may be expected to come into force from September 2001.

Official Gazette of Republic of Serbia NR. 11/2001-1

Conclusions and Recommendations for Public Service Broadcasting in Serbia

http://www.b92.net/events/conference/conclusions.html#2

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