[YU] Broadcasting Act of Serbia Adopted

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The National Assembly of the Republic of Serbia adopted the Law on Broadcasting at a session held on 18 July 2002. The Law was promulgated and published on 19 July and came into force on 27 of the same month after a lengthy procedure (IRIS 2001-3: 13 und IRIS 2001-6: 10).

Serbian Law on Broadcasting (SLB) has nine chapters: Basic Provisions, Broadcasting Agency of the Republic, Broadcasting License, General Programming Standards, Public Service Broadcasting, Prevention of Illicit Media Concentration, Advertising and Sponsorship, Penal Provisions and Transitory and Final Provisions. The most detailed parts are the ones on the establishment, competences and operation of the Broadcasting Agency and its only body, the Broadcasting Council, and on Public Service Broadcasting. The reason is quite simple - in these parts a completely new type of regulator has been introduced into the Serbian legal system and a full transition from state broadcasters to public service ones has been provided.

The basic provisions contain the principles of broadcasting regulation, definitions and a provision on cooperation between broadcasting and telecommunications regulators. The Broadcasting Agency (BA) is an independent regulatory authority charged with the adoption of development strategies, passing of detailed regulation on various aspects of broadcasting activities (programming, technical, advertising and sponsorship codes etc), issuing licenses, supervising the work of broadcasters and the introduction of measures against broadcasters that are not operating according to existing regulation. The BA is authorised to deliberate on submissions from viewers and/or competing broadcasters, and especially to have regard for the best interests of children, to protect copyright and neighbouring rights in broadcasting and to take measures to prevent "hate speech". The only BA decision-making body is the Broadcasting Council (BC), which consists of 9 members, preferably experts in broadcasting or related fields, elected by the Parliament upon the proposals of various organizations. The term of office of the BC is six years, but a third of its members are changed every two years. Politicians and persons involved in broadcasting and similar activities are not eligible to be members of the BC due to potential conflict of interests and/or political influence. The BA is financed by the broadcasting fee, paid by the broadcasters after the license is issued to them. A broadcasting license may only be issued to domestic entities, and the foreign share in a broadcasting company is

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restricted to 49%. State and political organizations, as well as enterprises owned by them, may not be holders of a license. A license is fully non-transferrable and non-alienable. The licenses are issued at a public tender, and the duration is set at 8 years, with the possibility of extension. The Chapter on General Programming Standards contains a few general provisions that shall be developed in detail by the BA codes of conduct. Public service broadcasting is entrusted to the Broadcasting Institution of Serbia and the Broadcasting Institution of Vojvodina. These institutions are financed by a licence fee, and have special programming duties and responsibilities. The management of both institutions is appointed by the BA, following a public tender. Media concentration is defined as concentration of ownership in media, and concentration that enables a media owner to have a "prevailing influence on public opinion" is deemed illegal. There are, however, some situations expressly stated in the legal text, in which it is presumed that the "prevailing influence" exists. Advertising and sponsorship provisions follow the provisions of the existing European Convention on Transfrontier Television (ECTT) version. Penal provisions define offences in the area of broadcasting, and transitory and final provisions provide deadlines for establishing the BA and transforming the state radio and TV into public

The implementation of the new Law on Broadcasting shall start in September, through a process of establishing the BA. After that, all existing broadcasters in Serbia shall, in a transitional period of two years, either obtain new licenses according to the new regulations or shut down. Given the fact that over 1000 broadcasters currently exist, and there is probably only room for some 300, next year will presumably be the year of numerous shut downs or mergers of broadcasters in Serbia.

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Broadcasting Act of Serbia of 19 July 2002

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