

[CS] Amendment on the Broadcasting Act Adopted

IRIS 2004-8:1/8

Miloš Živković
Belgrade University School of Law - Živković Samardžić Law offices

The Government of Serbia adopted the proposition of the amendments to the 2002 Act on Broadcasting of Serbia (see IRIS 2002-8: 11) at its session held on 8 July 2004, and passed it on to the Parliament to be adopted in an urgent procedure. The aim of the proposed amendments is to release the deadlock in the implementation of the 2002 Act on Broadcasting. The proceedings have been stopped for over two years now, following breaches of the rule of law in appointing the members of the Council of the Broadcasting Agency (see IRIS 2003-6: 10 and IRIS 2003-9: 7).

The essence of the proposed amendments, that will not change the Law completely, is the dissolving of the current Council and the appointment of a completely new one. Moreover, the list of authorised nominators has changed. Instead of the Government of Serbia, the Executive Council (i.e. Government) of the Autonomous Province of Vojvodina and the National Assembly (i.e. Parliament) of Serbia, that were authorised to nominate one Council member each, the parliamentary Committee on Culture and Information is going to nominate candidates for three Council members. Furthermore, the restriction on consecutive mandates shall not pertain to the current Council members, who shall thus be able to be nominated and appointed in the new Council. Apart from that, another important amendment relates to the change in the required majority for appointing and removing the Council members (the original text required a simple majority of all MPs, i.e. 126 votes, and the amendment proposes a simple majority of all MPs present, provided that there is a quorum, i.e. 64 votes). Other proposed amendments are less important (extension of deadlines, change of terminology due to the transformation of FR Yugoslavia to the State Union of Serbia and Montenegro etc).

The reactions to the proposed amendments were mixed. Almost all broadcasters supported enabling the implementation of the Law on Broadcasting. Some warned that the dismissal of the Council by amendments of the Law would be a dangerous precedent that would undermine the necessary independence of the Council members. Others suggested that these amendments were a good opportunity to re-compose the structure of the Council in a way that will leave less room for state interference. The current structure, which will not be changed in the proposed amendments, would have been the core reason for problems in the implementation of the 2002 Law on Broadcasting. Another group of

broadcasters also suggested their own version of the amendments, which would have changed the structure of proposed nominators. Currently there are 4 nominations from the state, 3 from the civil sector, 1 from the interested associations and the last one from Kosovo (to be nominated by the previous 8). They would prefer 3 nominations from the state, 3 from the civil sector and 3 from the interested associations.

On 14 August 2004, the National Assembly of Serbia adopted the amendments, so that the new Council can be constituted by the end of September.

Amendments proposed by the Government to the Broadcasting Act of Serbia

