

## [RS] Supreme Court Denies RTL Action and Confirms SBA Decision

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The Serbian Broadcasting Agency (SBA) announced, on 21 May 2007, that the Supreme Court of Serbia has passed a decision rejecting an action lodged by RTL, in which a postponement (injunction) of the implementation of an SBA decision on granting national TV licences was requested.

As one of the losers in the tender for national TV coverage in April last year, RTL Serbia has appealed against the tender decision, and simultaneously filed an action for injunction with the SBA, requesting that the application of the tender decision be postponed until the time when the decision would become final (i.e. until the moment that the Supreme Court confirms or annuls it).

The SBA denied the request for an injunction, and RTL lodged an action with the Supreme Court against the injunction denial. The Supreme Court decision, passed on 29 March 2007, has confirmed the position of the SBA, basing its decision on the fact that, in Serbian law, injunctions may be granted for securing the realisation of pecuniary or non-pecuniary claims (if the legal conditions are met), and not for postponing or putting on hold administrative proceedings, such as a tender for granting TV licences. Therefore the Supreme Court found there is no claim eligible for protection via an injunction, and confirmed the legal position and decision of the SBA regarding the denial. However, the main proceedings before the Supreme Court regarding this case, those related to the RTL appeal against the tender decision itself, are still pending, so RTL has not yet exhausted all its legal remedies against the tender that it lost in Serbia.

