

[RS] Appointment of New Members of the SBA Council Delayed

IRIS 2009-4:1/30

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

At a session held on 26 February 2009 the Culture and Information Committee of the Serbian National Assembly took the stance that the election procedure of the members of the Serbian Broadcasting Agency Council should be repeated, since the authorised nominators proposed lists of candidate lists drawn-up contrary to the regulations of the 2002 Broadcasting Act. The Committee further decided to notify the Chairman of the National Assembly on that position, so that the Chairman could issue a new public invitation for motion to the authorised nominators. The Committee also suggested that the members of the Council whose term of office has already expired ought to stay in office and perform their duties until the new Council members are elected.

The Culture and Information Committee was considering several lists of candidate proposed by non-governmental organisations and citizens' alliances, as well as a list proposed by journalistic and broadcasters' alliances, in order to replace three out of nine members of SBA Council whose term of office has expired or is about to expire in the immediate future. Under the Broadcasting Act, where there are several candidate lists issued by NGOs and citizens' alliances, the one signed by most organisations, i.e., alliances which previously conducted more actions, initiatives and publications in the area they primarily deal with, should be put to a vote. However, the Committee has not applied this provision, but rather concluded that the procedure should be repeated, which means a delay of at least half a year. In its reasoning, the Committee explained that the list prepared by media associations proposed three names instead of two, as provided by the law.

Some associations and NGOs involved with media freedoms have warned that such conclusions of the Committee could lead to long-term obstruction of the Broadcasting Agency Council. It has also been alleged that the conclusions are illegal, because the Broadcasting Act contains a mandatory norm according to which, upon the expiry of their term of office, members of the Council cease to perform their function, so no extension of such a term is possible.

