

## LAW ON PUBLIC INFORMATION AND MEDIA

OLD LAWS | NEW LAW



### Is there a unified database about the project co-financing of media from public resources?

No, data on public expenditures for project co-financing were not available in one place.

The publicly accessible **Unified Information System (UIS)** is being introduced. The process of project co-financing will take place entirely through the publicly available UIS and will encompass all related data.



### What is the role of the Press Council?

The Press Council, as a self-regulatory body, was not recognised. Adherence to the Journalists' Code of Ethics was not a requirement for the allocation of budgetary funds.

When allocating public funds to media outlets, consideration will be given to whether the Press Council has imposed measures against the respective media in the past year. The Press Council must input all data on imposed measures into the UIS.



### Is there a record kept for productions?

No. The absence of a unified database reduced the transparency of expenditures allocated to productions.

The **Registry of Media Content Producers (so-called productions)** is being introduced. The registry will encompass all information on identification details, information on funds earned through project co-financing, as well as data on ownership structure.



### What are the regulations regarding the employment status of journalists?

Employment rights of journalists are now explicitly mentioned and regulated.

A journalist's employment must not be terminated, earnings reduced, or position worsened due to refusal to comply with an order from their superiors that would violate legal or ethical rules of the journalistic profession.

A work schedule is introduced, as well as the right to disconnect during weekly and annual leave.

Media outlets will be required to publish internal documents in the Media Registry outlining measures and procedures for:

- Achieving gender equality.
- Protecting editorial policies.
- Employing individuals with disabilities.
- Ensuring a safe work environment for journalists and media workers.

The employment rights of journalists were not regulated in detail; the focus was solely on rights related to their work (journalistic privilege, the right to the authenticity of contributions, freedom of professional association, etc.).

# NEW MEDIA LAWS 2023

## THE NEW RULES OF THE GAME

### CONTEXT

- The 2023 European Commission Progress Report for Serbia has commended adopting new media laws.
- The reform of media laws is part of a broader alignment with the *acquis* under Chapter 10 – Information Society and Media.
- Improved media regulation catalyses advancements in freedom of expression, a key aspect of Chapter 23 – Judiciary and Fundamentals.



## WHAT REMAINS CONTROVERSIAL?

### Journalistic associations have warned that the new law 'quietly' reinstates state ownership in the media.

**CONTEXT:** The 2014 law mandated the privatisation of state-owned media. The 2020 Media Strategy aimed to complete the privatisation process. Despite that, the new law permits the creation of media and the production of media content by state-founded joint-stock companies involved in electronic communication activities.

**TELEKOM CASE:** According to the new law, the previously established practice of founding media by *Telekom*, a joint-stock company with majority state ownership (58.11%), has been legalised. *Telekom* has previously established sports channels *Arena*, as well as news channels *Euronews Serbia* and *Bloomberg Adria*. *Telekom*, REM and the Ministry of Information claimed there were no legal obstacles, as *Telekom* is solely funded from its operational activities and not from public funds. However, the fact remains that the previous law stated that media could not be founded by a "legal entity that is wholly or partially in state ownership or is wholly or partially financed from public revenues." Nevertheless, despite the controversial founding, it appears that the executive branch did not exert undue influence on the editorial policies of these television channels, and there were no complaints about their adherence to professional and ethical codes.

**EU PRACTICE:** Some EU member states directly or indirectly participate in media ownership. However, this rarely raises concerns because these countries have robust mechanisms to protect editorial policies and freedom of expression.

CRTA and the Coalition for Media Freedom have launched a petition calling for changes to media laws with three main demands:

1. Urgent removal of provisions allowing state-owned enterprises to establish media outlets and produce media content;
2. Urgent introduction of provisions enabling civic and judicial oversight of REM;
3. Urgent introduction of provisions further restricting the misuse of official status for political campaigning, as well as establishing criteria and methodology for monitoring media coverage during election campaigns.

The European Federation of Journalists has also warned about the mentioned shortcomings in the new media laws in Serbia.

## ELECTRONIC MEDIA LAW

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### What is the structure of the Regulatory Authority for Electronic Media (REM)?

The Council, with the President at its head, was the sole body of REM.

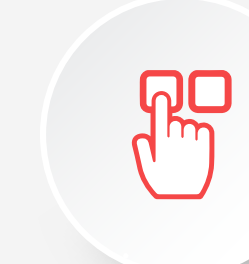
The structure of REM has been strengthened, and the responsibilities are now divided between the Council and the Director. Every two years, one-third of the members will be elected.



### Who is authorised to propose REM Council members?

The National Assembly, the Assembly of the Autonomous Province of Vojvodina and relevant organisations.

Legislative bodies lose the authorisation to propose. Instead, the Ombudsman, the Commissioner for the Protection of Equality, the Commissioner for Information of Public Importance and Personal Data Protection, and journalist associations with over 300 members (registered for at least three years) are listed.



### Who elects the Council members?

The National Assembly



### What are the criteria for selecting the REM Council members?

Selected from the ranks of distinguished experts in professions relevant to REM's jurisdiction without the requirement of a minimum number of years of work experience.

Previous criteria + Advocating for freedom of expression, media freedom, human rights, civil society development, democracy enhancement, constitutionalism, and legality + minimum 10 years of relevant experience.



### Who cannot be a member of the REM Council?

Public officials or officials in a political party.

Previous criteria + media or production owners, perpetrators of a criminal offence punishable by at least 6 months of imprisonment, or individuals who violated an ethical code and may harm the reputation of REM.



### What is the duration of the mandate, and can it be renewed?

Five years with the possibility of one reappointment.

Six years without the possibility of reappointment.



### How many days before the elections is reporting prohibited for events related to openings or the commencement of construction works if public officials, who are also election candidates, are present?

Ten days before elections.

Thirty days before elections.

### The selection of new members of the REM has been postponed by one year despite the existing REM Council's failure to demonstrate independence from the executive authority.

There are no mechanisms for judicial and civic oversight of REM's actions in response to citizens' complaints. This allows REM to remain unresponsive to reports against specific media outlets. The REM's 202 Annual Work Report highlights that 85 complaints related to television content were submitted to REM. The regulator issued three warnings and 25 decisions dismissing the complaints. The Independent Journalists Association of Serbia (NUNS) emphasises that it is unclear what happened with the remaining 57 complaints and whether they were considered at all. Without oversight mechanisms, such practices are likely to persist.

Functionary campaign has been only partially limited. Reporting on the opening of infrastructure and other facilities and the commencement of construction is prohibited, but, this does not prevent incumbents from, for example, visiting the construction works that are still in progress and media to report on that.

Problems with REM methodology: The law does not prescribe REM's criteria or methodology for monitoring media coverage during election campaigns, raising concerns about the impartiality of its monitoring. The Venice Commission and ODIHR, along with non-governmental organisations like the Bureau for Social Research, emphasise that the methodology of REM must be more explicitly defined to prevent arbitrariness and the "beautifying" of the media situation.