

15/08/2014

Serbia: Set of new media laws adopted

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Technology, Media & Telecommunications

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Publisher: Bojović & Partners

The Serbian Parliament has adopted three new media-related laws which enter into force as of 13 August 2014: the Law on Public Information and Media, the Law on Electronic Media, and the Law on Public Media Services. Although media and related services as an area of regulation perhaps does not deserve the highest level or priority in Serbia today, this legislative activity certainly represents a positive step towards harmonization of Serbia's legislative environment with that of the European Union.

Under the Law on Public Information and Media the most notable provision is the intent to conduct full privatization of all media with state ownership participation by July of 2015 (except for certain previously defined cases), under threat of privatization by transfer of shares to the employees without compensation or deletion from the relevant registry. The predominant theme of this law is ensuring the transparency of the media publishers/service providers which is to be achieved by the establishment of a new Media Registry to be maintained by the Business Registers Agency (within six months from the date of this law's entering into force). This registry will contain, *inter alia*, precise ownership structure data for media publishers/service providers, as well as data on any amounts of state aid received by the relevant media publisher/service provider. Pluralism in media is now protected by more precise and stricter provisions on prohibited ownership structures as compared to the previous legislative solutions. The legislators went as far as to oblige the relevant authority - Regulator for Electronic Media (formerly called the Republic Broadcasting Agency) to periodically (at least once every three years) determine the list of radio or TV programs which will be mandatory for broadcasting by operators whose electronic communication network for distribution and broadcasting of media content is used by a significant number of end users as the primary or only means for receiving media content. This list is to be determined in accordance with the Law on Protection of Competition with regards to defining the relevant geographic market.

The Law on Electronic Media replaces, for the most part, the provisions of the Law on Broadcasting (*Off. Gazette of RS no. 42/2002, 97/2004, 76/2005, 79/2005, 62/2006, 85/2006, 86/2006 and 41/2009*), except the provisions on Public Broadcasting Service. This law also replaces the provisions of the Law on Advertising (*Off. Gazette of RS no. 79/05*) dealing with advertising and sales through television and sponsorship through radio or television. One of the main factors for the enactment of this law was the switch-over from analogue to digital TV signal which was to take place by June of 2015.

Another important novelty pertaining to this legislation is that product endorsement is now explicitly regulated in a detailed manner. The rules on product endorsement apply to program content produced after 13 August 2014. With regards to total annual broadcasted material, previously broadcasters were obliged to ensure at least 50% of such material is in Serbian language, of which at least 50% was own production. Under the new law, media service providers are obliged to ensure that at least 25% of the annual broadcasted material is own production material, with the obligation to ensure that the materials are either in the Serbian language or translated into Serbian.

It is also noteworthy that the following media service providers may operate without authorization/license from the Regulator:

- Public media service regulated under the Law on Public Media Services;
- Media service providers who operate only through the internet (web casting, live streaming, etc.), but with the obligation of registering with the Registry of Media Services maintained by the Regulator and the restriction that these may not be persons who would not be allowed to obtain a license in accordance with this law;
- Media service provider who rebroadcasts content on the territory of the Republic of Serbia in line with the European Convention on Transfrontier Television. If the original program has been changed (signal stream interrupted) by broadcast of an audiovisual commercial communication or other program content which is not a part of the original program, the rebroadcasting exception will not apply.

With regards to transferability of broadcast licenses the new law stipulates that licenses obtained through a public tender may not be transferred to other persons except in the case of status changes of the license holder, and in accordance with the rules on ensuring media pluralism. Licenses obtained upon demand by license holders may be transferred to another person if such person accepts all the obligations stipulated in the relevant license. The allowed transfers may only be conducted in written

form and upon receipt of previous approval of the Regulator.