

II MONITORING OF THE IMPLEMENTATION OF EXISTING LAWS

1. Public Information Law

1.1. The implementation of the Public Information Law has been elaborated on in the section concerning freedom of expression.

2. Broadcasting Law

2.1. “The part of the Broadcasting Law that would enable a radio subscription fee to be charged for radio sets in vehicles is bad and the enforcement thereof would further burden the citizens”, the Media Coordinator of the Serbian government Slobodan Homen told the daily Danas. According to Homen, the Ministry of Culture, Media and Information Society should consider amending the Law in the controversial section. “If that part of the Law is enforced in practice, we could have a situation where revolted car owners could simply remove their sets from their vehicles at registration. Such provision would hence be unsustainable and inapplicable in practice”, Homen explained. We remind that the duty to pay a radio subscription fee for radio sets in motor vehicles, introduced by the Broadcasting Law from 2002, has never been enforced in Serbia, which has caused, according to some estimates, the RTS to lose about five million euros annually. The Law says that the “subscription fee for a radio in a motor vehicle shall be paid annually, on a separate bank transfer form, at registration of the motor vehicle.”

The Broadcasting Law says that activities of public broadcaster service institutions pertaining to the general interest shall be financed by charging a subscription fee for radio and television. The owners of radio and TV sets shall pay such subscription fee in the same amount on the entire territory of Serbia. The subscription fee for radio and TV sets used in the household and for those possessed by legal persons shall be paid monthly. The subscription fee for radios in vehicles shall be paid annually, on a separate bank transfer form, at registration of the motor vehicle. Although the Broadcasting Law was adopted and came into force back in 2002, the subscription fee for radios in motor vehicles has yet to be charged. This fact, along with the reality that the collection rate for the subscription fee for radio and TV sets used in the household and for those possessed by legal persons has fallen below 50 %, represents an additional difficulty for the institutions of the public broadcasting service. The aforementioned statement by Slobodan Homen unfortunately reflects the attitude of Serbian authorities towards the media. They simply do not see any problem in the

fact that the law remains unforced for nine years, which has brought into question the financing of the institutions of the public broadcasting service. The latter has, in turn, compromised the independence of those institutions. The government justifies such an attitude with demagogic excuses about how the enforcement of the Law would entail new costs for the citizens. It is deplorable to have high government officials calling for non-compliance with applicable laws. The fact is, namely, that the government is being unusually generous and concerned for the citizens' well-being when it comes to funds that are supposed to sustain the citizens' very needs for information, culture, art, education, religion, science, entertainment, sports and other broadcasting content that should be shielded from any interference from government, political organizations or economic power players. The authors of this Report hereby want to stress that they are not aware of any other case where high government officials have called for non-compliance with some other legislation regulating public revenues, by invoking concern for the people's well-being.

3. Law on Local Self-Government

3.1. On April 18, the daily Blic reported about a meeting of representatives of local media in Loznica, in Western Serbia, and political party and city administration officials in that town. The purpose of the meeting was to resolve the misunderstanding concerning the future reporting of two television stations about the activities of local political parties' boards in Loznica. According to the report in Blic, the Mayor Vidoje Petrovic promised to propose, in the next month or so, a new concept for the financing of the media in Loznica. After only seven days, an extraordinary competition was called for an additional 2.5 million dinars, intended for the financing of projects of electronic and print media in the town. "We have earmarked five million RSD in the budget for this year, to be allocated to media in a competition, for specific projects. We have already called a competition for the second part of the funds and hence the entire five million will be available in the first six months. On the following session of the City Council, we will pass a decision that will represent a framework for a revised budget, where we will plan an additional five million by the end of the year. This will represent a 50% increase of the budget planned for improving the work of the media", Mayor Vidoje Petrovic said. The difficult financial situation of the media in Loznica became a public issue only when TV Podrinje and TV Lotel asked the political parties to pay for reporting from their press conferences.

Under the Law on Local Self-Government, the municipalities are in charge of providing for information in the public interest and ensuring the conditions for public information in the Serbian language and minority languages used on the territory of the municipality. The

amount of the funds earmarked and the criteria under which they are allocated is extremely important, especially for local media in the situation of the economic crisis and underdeveloped advertising market. Media and journalists' associations (ANEM, NUNS and Local Press) have been lobbying for months with the competent ministries – the Ministry for Human and Minority Rights, State Administration and Local Self-Government and the Ministry of Culture, Media and Information Society, in order to regulate the aforementioned obligation in a unique way in all municipalities in Serbia, as well as to ensure mechanisms and criteria to prevent the misuse of this form of state aid to this sector, especially with the goal to put in a preferential position public media and media close to local authorities. As evidenced by the example from Loznica, local governments do have additional means for supporting the media and it is possible to ensure the necessary political will to mobilize such support. The local government in Loznica reacted to a bold campaign by local media, which jointly announced they would stop reporting from political parties' press conferences if not paid for it. Pointing to the financial difficulties they were facing, the representatives of RTV Lotel and RTV Podrinje said that the political parties constantly complained that they were not obtaining sufficient media space. Those representatives also said that the politicians did not understand the costs involved in reporting from press conferences (without any benefits) and that the media were not legally obliged to report from such events. Local government officials in Loznica understood that paying local media for reporting from political party press conferences was not going to solve the problems of the media, for that would deal a blow to their independence, objectivity and the essence of the role of the media. They however found a way to earmark additional funds from the local budget for co-financing media projects.