

### III MONITORING OF THE PROCESS OF ADOPTION OF NEW LAWS

#### 1. Law on Electronic Media and Law on Public Service Broadcasters

The month of October saw the public debate on the Draft Law on Electronic Media and the Draft Law on Public Service Broadcasters. Since the day when these drafts were published, they caused many controversies and ambiguities, especially concerning authorship of the texts. We remind that the Draft Law on PSB's was first posted in August, on the webpage of the Ministry of Culture and Media, only to be quickly removed after a professional outcry. Ensued the formation of the working group, consisting of experts and representatives of RTS and RTV, which made the new Draft, which was tabled for a public hearing in October. That Draft may be described as much better than the one presented to the public in August. Nonetheless, it retained the concept of budget financing, which is a politically motivated one, since media professionals were unanimously against it. We have warned several times in these reports that the model of budget financing for PSB's isn't adequate for Serbia, since it threatens to further undermine their editorial independence, allowing an even greater influence of politics. Moreover, since Serbia must curb its rising budget deficit, the sufficiency of such budget financing would be questionable. The participants in the public debate almost unanimously described budget financing as a poor concept and the question is what kind of solution will the ministry in charge of this issue propose to the Government, namely what the latter will table to Parliament.

The Draft Law on Electronic Media was marred by even greater controversy. Namely, while the public debate has end, the authors of certain legislative concepts remain unknown. The expert working group set up last fall (tasked with writing the Draft Law on Electronic Media), completed its work in late April. Part of the members of the working group signed the integral text of the Draft, containing the provisions on PSB's, while the second group signed two separate drafts. The Draft Law on Electronic Media tabled for public debate significantly differed both from signed versions and in certain segments it was completely contradictory to the Draft Law on Public Information (provisions on media ownership concentration, for example). Therefore, the distrust of the public and the experts involved in the drafting of all these legislative texts didn't come as a surprise: during the public debate, more than 200 pages of comments, suggestions and proposals for improving the proposed text were submitted. It is very difficult to properly assess the quality of that Draft. It is true that, in certain parts, the text has introduced innovations addressing some of the problems that have appeared in the ten-year implementation in the still valid Broadcasting Law. On the other hand, in many of its segments, the Draft diverges from the intention to modernize the obsolete media-related legislative framework in accordance with accepted European standards and introduces restrictions that

are far more rigid than those provided in the current Law. Therefore, it may rightfully assumed that, if the present Draft is adopted as a Law, not only would it not contribute to furthering freedom of expression in Serbia, but it also would render the planned media reform completely meaningless. Meanwhile, the Ministry of Culture and the Media has undergone major personal changes, after which the new minister and his team found themselves in the unsolicited situation of to make decisions on draft legislative texts for the creation of which they were not responsible. The predominant position ended up being that the controversial Draft Law should be tabled for public debate after all, primarily because the adoption of media laws is already six months late, which delay was criticized, among others, by the EC's Progress Report for Serbia. In addition, the Ministry now faces an even more difficult task – to consolidate all objections and to accept the valid ones, with the goal of bringing the Draft Law in sync with its main purpose – modernizing and reforming the electronic media sector in Serbia.

## **2. Law on Public Information and Media**

On the margins of the public debate on the Draft Law on Electronic Media and the Draft Law on PSB's, the Ministry of Culture and Media announced that the Draft Law on Public Information and Media will soon be proposed to the Government, since the texts thereof have been essentially harmonized with the objections from Brussels, as well as with those of the line ministries, put forward last spring during the public debate. On the other hand, it is clearly difficult to expect all the media laws to be tabled to Parliament as a single package. The hope remains that the Law on Public Information will be adopted by the end of the year, since the concept of project-based financing is expected to be implemented starting from early 2014 and since it's the year when the remaining non-privatized media will hopefully be finally privatized.