

## II MONITORING OF THE IMPLEMENTATION OF EXISTING LAWS

### 1. Public Information Law

The implementation of the Law on Public Information was detailed in the freedom of expression section.

### 2. Broadcasting Law

The Republic Broadcasting Agency (RBA) published on its website, on August 20th, instructions for submitting petitions, namely objections related to program content and conduct of broadcasters. The instructions include a form of the petition, namely objection. The instructions are available [here](#).

The Broadcasting Law stipulated the RBA's competence to decide upon petitions of natural and legal persons related to the content of broadcasters' program, namely if they believe such program is violating or threatening their personal interest or the interests of the general public. According to the Law, the RBA is also competent to decide upon the objections of broadcasters. The broadcaster may lodge an objection to the actions of another broadcaster, if these actions have caused or may cause the former to suffer damage.

If it establishes the petition to be valid, the RBA is required to take measures against the broadcaster, as well as to instruct the applicant on how to protect his interests. The measures at the disposal of the RBA, according to the Broadcasting Law, range from notices and warnings to temporary or permanent revoking of the broadcasting license.

The publication of instructions for lodging petitions and objections on the RBA website may point to the Agency's intention, in the monitoring of the broadcasters' activities, to rely more on information obtained from the viewers and/or listeners and the broadcasters themselves, instead of or in addition to the results of its own monitoring, namely monitoring performed by agencies engaged for that purpose. Such a change would also be economically justified, since it could result in a more economical regulatory activity. Namely, the share of monitoring costs in RBA's overall expenditures is unknown, but is definitively not negligible. According to the information from the Newsletter about RBA activities, the Agency's Supervision and Analytics Department, which is involved in the monitoring of broadcasters' activities, employs 31 persons. Just for comparison purposes, the Legal Affairs Department of the Agency, which is

supposed, among other things, to deal with regulatory activities – the core activity of the RBA as the sectorial regulator – has only five members of staff.

### **3. Personal Data Protection Law**

The overview of the activities of the Commissioner for Information of Public Importance and Personal Data Protection published in August, states that cases requiring inspection supervision remain unsolved. The reason is the lack of the necessary capacities of the Commissioner for these tasks, because that the funds for the salaries of employees that would do the job have not been approved.

We hereby remind that the Law on Personal Data Protection was adopted in the Serbian Parliament in October 2008 and has been formally applied since January 1<sup>st</sup>, 2009. However, its application remains limited due to a lack of financial and technical conditions and insufficient staff.