

IV MONITORING OF ACTIVITIES OF REGULATORY BODIES, STATE AUTHORITIES AND COLLECTIVE ORGANIZATIONS FOR THE PROTECTION OF COPYRIGHT AND RELATED RIGHTS

REGULATORY BODIES

1. REPUBLIC BROADCASTING AGENCY (RBA)

The activities of the RBA have already been elaborated on in the second part of this report dealing with the implementation of existing laws (see point 2 - the Broadcasting Law).

2. REPUBLIC AGENCY FOR TELECOMMUNICATIONS (RATEL)

In the observed period, RATEL has tabled for public discussion the text of the Draft Rules on the Level of the Fee for the Use of Radio Frequencies. In the formula for the calculation of annual fee for the use of radio frequencies by a broadcasting station, the base for calculating the fee was reduced from the hitherto 45 RSD to 40 RSD. Consequently, if the Rules are adopted as proposed, the fees will be somewhat reduced. Furthermore, the draft Rules also provide for a reduction of the fee for radio-relay stations, which will be paying 18.000 instead of 20.000 RSD. RATEL has not published the comments that have been sent, but taking into account what the broadcasters have publicly requested in the past, one may assume that they have insisted on an additional reduction of the fees for radio relay links. This is also considering the fact that the existing requests for switching to new frequency ranges for the delivery of the signal to the transmitter are putting broadcasters - especially those financially the most vulnerable - in a difficult financial position of having to invest in new radio relay stations.

In the observed period, RATEL has passed a number of decisions concerning the remedying of technical irregularities in the operation of certain broadcasters, as well as a number of decisions banning the work of radio stations for unauthorized use of radio frequencies, in accordance with RATEL's powers exercised pursuant to the Telecommunications Law.

At the same time, of concern is the fact that there is still no comprehensive organized action to stop the operation of the still many illegal broadcasters in Serbia, although this failure may not and should not solely be blamed on RATEL.

STATE BODIES

3. THE PARLIAMENT OF THE REPUBLIC OF SERBIA

In this period, the Parliament of the Republic of Serbia continued its second regular sitting in

2009, by holding the fourth and fifth session, which were not dedicated to adopting regulations directly relevant for the media sector. The Culture and Information Committee held only one session, on November 17, on which it examined the information about the procedure of the repeated election of RBA Council members. The Committee concluded that the proposed lists of candidates, furnished by the authorized proposers, were submitted in contravention of the provisions of Article 24 of the Broadcasting Law, since they contained more candidates than provided for by the Law. The Committee has proposed the following candidates:

- The Association of European Journalists of Serbia proposed Dragomir Brajkovic,
- The Academy of Performing Artists of Serbia proposed Bozidar Zecevic and Dragomir Brajkovic,
- The Association of Drama Artists of Serbia proposed Srboljub Bozinovic and endorsed the candidacy of Bozidar Zecevic,
- The Association of Film Artists of Serbia proposed Bozidar Zecevic and Dragomir Brajkovic,
- The Association of Journalists of Serbia proposed Branko Zujovic, and
- The Independent Association of Journalists of Serbia and the Independent Association of Journalists of Vojvodina proposed Gordana Susa (who was endorsed by ANEM and APRES).

The Committee called upon the proposers to furnish the joint list with the names of two candidates within 15 days. The Committee also laid down the list of candidates for the election of three RBA Council members, on the basis of the proposal tabled by the Assembly of the Autonomous Province of Vojvodina, traditional churches and religious communities and the Conference of Serbian Universities. The Vojvodina Assembly proposed Goran Karadzic and Velimir Kostadinov for that post; traditional churches and religious communities proposed His Grace Bishop of Jegar Porfirije Peric, while the Conference of Serbian Universities' candidates are Prof. Dr Natasa Gospic and Prof. Dr. Svetozar Stojanovic. The Committee proposed to the Parliament to consider and adopt the tabled list of candidates for members of the RBA Council.

At the same session, members of the Committee requested the RBA to furnish an explanation of the instructions to broadcasters related to the Day of Mourning for Patriarch Pavle.

4. THE MINISTRY OF CULTURE

After media reports about the alleged decision not to apply the Law on Public Information in practice (see Section II hereof about the implementation of existing laws, item 1.2 - the Law on Public Information), the Ministry of Culture has published a joint press release with the Republic Public Prosecutor's Office denying the existence of such decision. The press release

said that the Republic Public Prosecutor's Office and the Public Prosecutor had requested from district and municipal public prosecutors' offices information about legal proceedings instituted under the Law on Public Information, with the goal of applying the Law in practice as efficiently as possible, so as to avoid any obstruction thereof. The press release also said that it was necessary to have a uniform legal practice so as to harmonize the application of provisions before the courts, namely to have the same sentences pronounced for each violation of the law of the same severity.