



REPORT FROM ANEM ROUND TABLE IV

“Monitoring of Media Scene in Serbia”

In December 2010, ANEM posted on its website its fourth E-Publication entitled “Monitoring of Media Scene in Serbia”, the second Publication in 2010. Its printed version was presented to the general public on ANEM round table held on December 23 in Belgrade Media Center, where the main developments on the Serbia media scene in 2010 were also discussed. About 40 representatives of ministries and relevant state authorities and institutions (Ministry of Telecommunications and Information Society, the Ministry of Culture, Ministry of Trade and Services, Ministry for Human and Minority Rights, the Ombudsman, Commissioner for Information of Public Interest and Personal Data Protection, the Public Company “Broadcasting Equipment and Communications”) participated in the round table, as well those of regulatory bodies (RRA, RATEL), media associations (ANEM, NUNS, UNS), news agencies (BETA, FoNet, Tanjug), the non-government sector, the academic community, the media, international and donor organizations (IREX, the British Embassy, USAID, Medienhilfe), as well as other stakeholders.

In the first part of the round table, the Publication was presented by the authors of the texts contained therein on topics indicated by the monitoring team as important for the period July-November 2010.

The event started with the presentation of Prof. Snjezana Milivojevic, PhD, the author of the text about the process of passing the Media Strategy in Serbia, entitled “Strategy, Study, Summary”. Speaking about this process, the retrospective of which was presented in her text, Milivojevic said that the most positive effect of the hitherto work on the Media Strategy is the fact that the media scene had matured and its actors had started to seriously discuss their own development interests and strategic priorities. On the downside, she said, the document that should have served as a basis for passing the Strategy – the Media Study – was hidden in the drawer, after being used merely as a reason for dialogue and not for creating public policy in the media sphere for the next 3-5 years, as a strategic period of time. Actually, after a series of round tables discussing the Media Study and the recommendations of its authors – international experts – and despite the huge amount of energy invested by all participants in the discussions and the support provided by renown international institutions (OSCE, EU Delegation to Serbia, the British Embassy), the concepts provided in the Media Study have proven insufficient for the Ministry of Culture to define the strategic framework for the development of the media scene. Moreover, information was lacking and the Ministry needed another expert document – an intermediary study, i.e. a resume. Hence, the Strategy was further delayed. However, what is interestingly positive is the timing of the discussions about the Media Strategy, which coincided with the release of the annual EU progress report for Serbia and the request for the filling in of the EU questionnaire, a good part of which (especially Chapter 10) concerns the media. It is therefore even clearer why it was important to put the discussions about the Media Strategy in an “European framework”. A great deal of these questions are complicated and require good understanding and adequate answers and hence the very process of filling in the part of the Questionnaire related to the media should be under control of the public and media professionals, i.e. should take place with their participation. Some of these questions are following: is the independence of regulatory body observed? Which instruments are in place in order to secure the legal and political independence of regulatory bodies in Serbia? How are the relations regarding audiovisual

services on demand regulated? Also relevant are questions concerning the protection of minors, etc. The lesson drawn from the work on the Media Strategy is that media professional and interested citizens should be active in all processes concerning the future of the media, because their participation is likely to determine the kind of media that we will have.

Maja Rakovic, expert for new media and author of the text “New Media – New Policies” spoke about the European path for national media policy, consisting of two separate, but complementary regulatory frameworks – the standards of the Council of Europe and the *Acquis Communautaire*. The first one is more aimed at protecting freedom of expression as a human right, while the Acquis predominantly deals with economic aspects, i.e. regulations that will enable free flow of media services and the development of the media industry. However, in addition to observing the existing frameworks of the European media policy and applicable directives (such as the Directive on Audiovisual Media Services), in amending domestic legislative concepts, the legislators should take into account the current debate in Europe on what kind of media policy is needed in the new digital environment. The existing media policy in Europe, which regards media on the basis of their content distribution platform (press, radio, TV, Internet) or views them as organizations (publishers, broadcasters) may not fully respond to the challenges brought about by the convergence and digitalization of media. At a time when the boundaries between certain types of media, on one hand, and private and mass media communication on the other, are disappearing, the responsibility for content must be clearly defined. A noteworthy subject is the one of editorial responsibility of the so-called “Internet intermediaries” who pass on the content of third parties and are not, according to the present regulations, held responsible for the said content. On the other hand, the courts are increasingly beginning to disregard this concept. Due to these dilemmas, Europe is having an active discussion about the new way of comprehending the media, which will in the next couple of years shape the transformation of the European regulatory framework in this sphere. This is a development our national stakeholders must bear in mind when defining our domestic media policy.

Attorney at Law Nebojsa Samardzic, the author of the text “Lost Motivation for the Transition to Digital”, believes that the causes of the dilemmas related to the pending digital switchover may be rooted in the wrong assessment of the stakeholders’ motivation to engage in this process. The Digital Switchover Strategy, which was adopted in June 2009, said that the citizens should support digitalization because it would bring them better picture and sound quality and more diverse content. However, at the time of economic crisis, information about these services is less relevant for the citizens than the one about the costs they will have to bear. Similarly, the broadcasters, who should supposedly see in the switchover process an opportunity to provide better service and increase their revenue, have not recognized in the digitalization process a chance for development and solving the well-known problems hampering their business (weak media market, too many media, persisting piracy, unregulated cable market). At that, the biggest problem is the fact that the broadcasters currently do not have clear parameters that would help them calculate how much it will cost them to switch to digital. There are also dilemmas concerning the interest of the state to make better use of the spectrum more and exploit the part that is freed for new services, because it is possible that the entire proceeds from the digital dividend will be used for repaying the loan extended to the public company “Broadcasting Equipment and Communications” for purchasing the necessary equipment. Samardzic concluded that the state should urgently start publicizing of the digital switchover, taking into account the target groups the switchover would affect, which should recognize a clear interest in this process.

Attorney at Law Slobodan Kremenjak, the author of the text “Obstacles on the Road towards a New Regulatory Framework for the Media in Serbia” spoke about creating public policy concerning the media sector. Although it was encouraging in the last couple of years to see various legislative initiatives, which in the past had typically been launched by civil society, moving to places they were supposed to originate from – the institutions, ministries

and state authorities – other problems had emerged compromising the positives of the said evolution. A democratic society involves the government creating public policy, while the procedures of bringing about laws and other regulations transparently and in consultation with the stakeholders. However, in Serbia it turned out that the situation was not that clear and simple. The ministries have established working groups consisting of representatives of media professionals and stakeholders, tasked with drafting the regulations, but those regulations were ultimately never tabled to Parliament. Instead, the same ministries have, without the knowledge or participation of the said working groups, released regulations the authors of which remain unknown to this day and which were swiftly adopted. Kremenjak cited the case of the Draft Law on Unlawful Concentration of Media Ownership from 2008, produced by the working group of the Ministry of Culture. To this day, he reminded, nobody knew nothing about the status of this Draft Law. He also pointed to the drastic examples of the Amendments to the Broadcasting Law and the Public Information Law from 2009, which were drafted without the knowledge of the same working group. There is today a similar problem in the process of preparing the new Advertising Law: the Ministry of Trade and Services released in late November 2010 the Draft without informing the members of the working group who was commissioned to produce it in the first place. The said Law is crucial for the financing of the media and a sustainable media strategy and should not be adopted before the Strategy itself, because it would bring into question the readiness of the state to strategically create a more favorable environment for the development of the media in Serbia.

DISCUSSION

After the presentations of the authors of the texts contained in the Publication, **ANEM President Sasa Mirkovic** opened the discussion, recalling the positive and negative developments in the media sector in 2010. The positives, he said, were the start of the work on the Media Strategy and the fact that leading national journalists' and media association have joined forces around issues of strategic importance for the media; the creation of conditions for making operational the public company "Broadcasting Equipment and Communications" after a director had been appointed; the beginning of a coordinated action by competent authorities aimed at shutting down "pirate" radio and television stations; the decision of the Constitutional Court proclaiming most of the provisions of the Law on Amendments to the Public Information Law unconstitutional. The negatives, Mirkovic said, were the difficult situation in the media caused by the economic crisis and the lack of interest of the authorities to help the media; the poor situation related to freedom of expression; threats against reporters, as evidenced by the fact that TV B92's Branka Stankovic remained under police protection and thus unable to do her job properly; the fact that another important piece of legislation for the media – the Advertising Law – was to be passed before the Media Strategy and in a controversial manner.

Mirkovic's presentation was followed by a discussion about the developments on the Serbian media scene in 2010. Two topics were distinguished as crucial: the current process of drafting the Media Strategy and the coming digitalization of media.

The Media Strategy

Miroljub Radojkovic, Professor at the Faculty of Political Sciences: The Serbian media market cannot sustain such an excessive number of media outlets. Therefore, in order to adequately define the strategic goals for the development of the media scene in Serbia and the related budgeting of the necessary funds to achieve these goals, the Media Strategy should be preceded by a study that will analyze how it is possible to reduce the number of media outlets, while attending to the needs to provide information at the local level and the requirements of the market. At the local level, the media have touched the bottom: privatizations have been annulled, the authorities exert an excessive influence on municipal media, journalists are being laid off, media outlets are closed, etc. On the other hand, the

privatization process has not produced the expected results. There are a lot of side effects, one of which is the increasing influence of politics on the media. The concept under which there will be 15 regional public service broadcasters is economically unsustainable; at the same time, the interests of local communities in the sphere of information must be taken into account when planning the strategic development of the media system.

Slobodan Kremenjak: During the talks about the Media Study, media and journalists' associations insisted that the Strategy should tackle the issue of the excess of broadcast media by formulating measure to encourage the consolidation of the market, while attending to the public interest and preventing the state and politicians to influence the media. Due to the delay in the adoption of the Media Strategy, we have a problem with the consolidation of the market being currently carried out silently, in a way that is detrimental to quality information. Namely, media from different areas that are owned by the same buyer often broadcast the same content. In that way they avoid additional cost, but at the expense of quality information at the local level. The state should ensure more favorable market conditions for inflow of capital in the media. In relation to the latter, the new Advertising Law, which regulates the important sphere of media financing, needs to be adopted not before, but after and in conjunction with the Strategy, in order to help create an attractive market for investments.

Jovanka Marovic, Director of Radio-TV Kragujevac: For citizens living in local communities it is extremely important to preserve local news outlets, because national broadcasters may not adequately fulfill that need. Therefore this matter needs to be addressed in a strategic manner. The process of privatization has led to the closure of media and opened the space for political interference, which at the local level affects more private than public media.

Snjezana Milivojevic, Professor at the Faculty of Political Sciences in Belgrade: The state must opt for a course of action to preserve the provision of information at the local level, since the privatization process has demonstrated so far that the media in Serbia are not attractive for investors. Modern European states, in keeping with the specificities of their media scene, had their own models for preserving local information. If Serbia wants quality local media, it must formulate its strategic concepts in this sphere and lay them out in the future Media Strategy.

Jelka Jovanovic, NUNS: The concern is that the delaying of the Media Strategy is related to the pressure of the media industry and the interest thereof to have favorable strategic decisions adopted. Concerning privatization, the success of privatized media also depend on the employees, as demonstrated by examples of successful private initiatives of former public media employees (such as the newspaper *Pancevac*).

Dragan Kremer, Medienhilfe: Due to imprecisely defined terms, the citizens are made to believe that the public debate about the Media Strategy has already taken place and this is not the case. There were talks behind closed doors about the Media Study and the conclusion was that the latter was not a good foundation for the Strategy. The Ministry reportedly also distanced itself from the Study, but there was no public debate. Such debate may take place only once the Draft Strategy is adopted. As for the EU Questionnaire, it must be filled in and submitted by February 1, 2011. However, in the absence of the Draft Strategy, the releasing of which has been announced for the same period, it is impossible to respond to most of the questions contained in the Questionnaire.

Digitalization of Broadcast Media

Milos Stevanovic, State Secretary at the Ministry of Telecommunications and Information Society (MTIS): In spite of delays, the Ministry tries to work so as to meet

the deadlines. Accordingly, the broadcasting technology is expected, as of January 2011, to be physically moved from RTS to the public company “Broadcasting Equipment and Communications”, which will then become operational. A media plan is in the pipeline for informing the end users about the purpose and benefits of digitalization, as well as on how to use set-top boxes. MTIS has earmarked 10 million euros from EU funds for equipment and consulting services to be provided by experts in the next two years and 20% of the equipment has already been purchased. Moreover, the concepts according to which the digital switchover will be implemented in Serbia, including those concerning the allocation of part of the band for the digital dividend, have been harmonized with those practiced in European countries.

Slobodan Kremenjak: In order to be able to plan their future business, the media must have the proper information in order to foresee the costs to be borne in the digitalization process. If this information is quickly made available and if the costs of digital broadcasting are lower than the present ones, the media will become a motivated ally of the digitalization process.

Dragan Kremer, Medienhilfe: A certain number of channels should be allocated for the so-called civil society media and nonprofit content and therefore the state should refrain from selling the entire freed part of the spectrum.

Miloje Nestic, Director of broadcasting equipment and communications at TV Prva: The needs of the viewers for more diverse content, a greater number of channels and high quality picture and sound have not been satisfied by cable, DTH and IPTV operators due to the fact that most of Serbian viewers receive television program via terrestrial analog transmitters. Furthermore, cable and DTH broadcasters are degrading the quality of their signal and there are no regulations providing for the minimum quality of the cable signal. If the foot-dragging with the switchover continues, the number of terrestrial TV connections will be reduced, which goes in favor of DTH and IPTV operators who are charging for their services. The dividend should not be extended to all the 120 MHz, namely all 15 UHF channels, because reserving such space for the digital dividend will undermine the Ministry’s idea to open with the digital switchover the possibility for broadcasting several HD channels, which was the reason for the state to opt for the DVBT2 for broadcasting of the digital signal. A topical question would also concern the possibility for multi-channel broadcasting of the HD signal, since the state has allotted many channels for the digital dividend.

Milena Jovic, Advisor at the Ministry of Telecommunications and Information Society (MTIS): The Strategy for the Development of Electronic Communications in the Republic of Serbia for the period 2010-2020 says that the 120 MHz band will be earmarked for the digital dividend. The said spectrum includes not only the channels that will be freed with the switchover to digital television broadcasting, but also ones that will be released by using new technologies. Although the EU has not provided in any of its directives that channels 61-69 will be used for broadband Internet, it is clear that all European countries will do just that and sell these channels on auction. Concerning HD terrestrial broadcasting, Serbia has more than 130 television stations, not all of which are currently able to broadcast in this format. After these stations are “placed” in multiplexes, after the digital switchover, they will be able to choose their format.

Closing this round table, ANEM representatives have concluded that most of the problems faced by the media had not been solved in 2010. They said that 2011 was a year of great opportunities, but also one of formidable challenges for the media and the field of public information, for key decisions would have to be taken about the strategic development of the media system, awaited by the Serbian media for the past 10 years.