

Pursuant to Articles 33 and 64a of the Broadcasting Law ("Official Gazette of RS", nos. 42/02, 97/04, 76/05, 79/05 - oth. law, 62/06 and 85/06), the Council of the Republic Broadcasting Agency (RBA) adopted the

REGULATION

on the procedure of enforced execution of decisions of the RBA Council

Article 1

This regulation prescribes the procedure of enforced execution of decisions of the RBA Council (hereinafter: the Council) on the temporary or permanent withdrawal of the programme broadcasting license and Council decisions on the prohibition of programme broadcasting to a legal or natural person broadcasting programme without a license.

Article 2

The Council decision on the programme broadcasting license withdrawal adopted on the basis of Article 62 of the Broadcasting Law shall become final:

- 1) upon the expiry of the complaint period, if no complaint has been lodged;
- 2) upon the delivery to the party of a decision dismissing or rejecting the complaint. The second-instance decision amending the first-instance decision shall become final when delivered to the party.

The Council decision on the temporary or permanent withdrawal of the programme broadcasting license as a measure against a violation of the broadcaster's obligations adopted based on Article 63 of the Broadcasting Law and the Council decision on the prohibition of programme broadcasting to a person broadcasting programme without a license adopted based on Article 38 of the Broadcasting Law shall become final upon the delivery of such decision to the party.

Article 3

The broadcaster against which the Council decision on the temporary or permanent withdrawal of the programme broadcasting license has been adopted, as well as a legal or natural person against which the Council decision on the prohibition of programme broadcasting has become final, shall immediately terminate programme broadcasting.

If a broadcaster or legal or natural person referred to in the previous paragraph fails to terminate immediately programme broadcasting, the enforced execution procedure shall be conducted against this person.

Article 4

The execution shall be conducted ex officio.

Article 5

The Council President shall adopt a conclusion on execution permission. A complaint may be lodged against the conclusion on execution within 15 days from the day of conclusion receipt. The complaint shall be lodged with the Council.

A complaint may not contest the regularity of the decision being executed.

A complaint shall not stay the execution.

Article 6

The Council decision on enforced execution shall be executed by a person employed with the Agency authorised by the Council by sealing the premises housing the telecommunication equipment of the broadcaster or natural or legal person broadcasting programme without a license, including a radio station.

The sealing of premises referred to in paragraph 1 of this Article shall be performed by a seal whose content and format is determined by the Regulation on Seal.

The person conducting enforced execution of the Council decisions shall prepare a report on the time, place and undertaken actions. The data on the decision subject to enforced execution as well as on the persons present at the execution shall also be entered in the report.

The report shall be signed by the person executing the Council decision as well as the authorised person of the broadcaster or legal person, or the natural person against which the enforced collection procedure is conducted. If this person refuses to sign the report, the person executing the Council decisions shall register such fact in the record.

If the initiated enforced execution is not possible or has not been completed, the authorised person shall enter in the report the date and time of enforced execution or execution continuation.

In the procedure of enforced execution of the Council decisions, if necessary, the Agency shall be entitled to seek assistance of the Ministry of the Interior.

Article 7

The procedure of enforced execution of the Council decisions shall normally be conducted on business days and during business hours.

On Sundays, bank holidays and at night the execution activities may be conducted only if there is a danger of delay and if the Council issued such a written order.

Article 8

The person authorised to conduct enforced execution of the Council decisions must have an ID he shall present to the broadcaster's authorised person and other interested person, or natural or authorised person of the legal person broadcasting programme without a license, when entering their business premises for the purpose of enforced execution of the Council decision.

The contents and form of the ID are prescribed by the Regulation on Contents and Form of the ID of the Person Authorised for Enforced Execution of the Council Decisions.

Article 9

The provisions of the Law on General Administrative Procedure and other laws regulating enforced execution shall apply directly to the activities in the procedure of enforced execution of the Council decisions not regulated by this Regulation.

Article 10

This Regulation shall come into force of the eighth day from its publication in the "Official Gazette of the Republic of Serbia".

Number: 743-1-a/06

In Belgrade,

11 October 2006

Republic Broadcasting Agency
Council President
Dr Nenad Cekic