

Pursuant to Article 82, paragraph 10 and Article 83 of the Law on Electronic Media (Official Gazette of the RS, no. 92/2023),
at its session held on 7 May 2024, the Council of the Regulatory Authority for Electronic Media adopted a

RULEBOOK

on the Manner of Establishing the List of Most Important Events of Particular Importance for All Citizens and on Exercising the Right to Access Events of Major Interest to the Public

I. INTRODUCTORY PROVISION

Scope of Rulebook

Article 1

This Rulebook sets out the manner of establishing the List of most important national and non-national events that are of particular importance for all citizens (cultural, political, sports, entertainment, etc.) – (hereinafter: major events), as well as the requirements for exercising the right of television media service providers to access events of major interest to the public.

II. MANNER OF ESTABLISHING THE LIST OF MOST IMPORTANT EVENTS

Setting out the list

Article 2

The most important events referred to in Article 1 of this Rulebook shall be set out by a list compiled by the Regulatory Authority for Electronic Media (hereinafter: Regulator), in accordance with the provisions of Article 82, paragraphs 2 and 6 of the Law on Electronic Media.

Requirements for determining most important events

Article 3

A particular event (sports, cultural, political, entertainment, etc.) shall be considered most important event if it meets at least two of the following requirements:

- 1) the event and its outcome are of particular general importance for citizens in the Republic of Serbia, rather than only of importance for those citizens who otherwise follow a particular event or other activity to which the event relates;
- 2) the traditional event has been broadcast for many years in the Republic of Serbia within a free-to-air programme, and it is regularly followed by a large number of viewers;
- 3) it is a major international sports event in which representatives of the Republic of Serbia are participating;
- 4) the event is generally known, i.e. it is of general cultural importance for the citizens of the Republic of Serbia, and of importance for the national cultural identity.

Events organised in parts

Article 4

If an event that meets the requirements referred to in Article 3 of this Rulebook is organised in parts, each separate part of such an event shall be considered a separate event.

Manner of setting out the list

Article 5

The Regulator shall request from the ministries in charge of the areas for which the list of most important events is being established a list of events of particular importance for all citizens, within their jurisdiction.

Upon submitting the list referred to in paragraph 1 of this article, the Regulator shall compile a Proposed List of Most Important Events of Particular Importance for All Citizens and publish it on its website.

All interested parties may submit their objections to the Proposed List referred to in paragraph 2 of this article within 15 days from the date of its publication.

After the expiry of the period referred to in paragraph 3 of this article, the Regulator shall set out the List of Most Important Events of Particular Importance for All Citizens, publish it on its website and notify the European Commission thereof.

The Regulator shall review the List of Most Important Events of Particular Importance for All Citizens at least once every three years, for potential amendments.

III. RIGHT TO BROADCASTING MOST IMPORTANT EVENTS

Holder of the right to broadcasting most important events

Article 6

Live broadcast or delayed broadcast or recording of an event, in whole or in part, shall be considered broadcasting, where necessary for objective reasons or in the public interest.

The right to broadcasting an event is the right of a television media service provider (hereinafter: media service provider with the exclusive right to broadcasting) to broadcast an event in a certain territory.

The right to broadcasting major events may only be acquired by a free-to-air television media service provider whose coverage area covers the entire territory of the Republic of Serbia.

The coverage area of the television media service provider shall be considered to cover the entire territory of the Republic of Serbia if it is licensed to provide media service in the territory of the entire Republic of Serbia or if quality reception of its television signal is provided for at least 90% of the population in the Republic of Serbia.

Access to television media service shall not be considered free if the service is provided as a protected service, i.e. as a service with conditional access or if it is necessary to pay an additional fee to use it.

A fee paid in accordance with the law governing public broadcasters shall not be considered an additional fee referred to in paragraph 5 of this article, nor shall a fee paid to the electronic communications network operator for access to its basic package of media services that it distributes.

Other holders of the right to broadcasting most important events

Article 7

If a free-to-air television media service provider whose coverage area covers the entire territory of the Republic of Serbia is not interested in broadcasting events of particular importance, it shall inform the Regulator thereof in writing no later than 15 days prior to the day of broadcasting of the event.

The Regulator shall immediately, upon receiving the information referred to in paragraph 1 of this article, publish the information on its website.

The television media service provider that does not meet the requirements referred to in Article 6, paragraph 3 of this Rulebook but is interested in broadcasting most important events of particular importance, shall submit a request in writing to the Regulator for the issuance of prior consent to broadcasting events of particular importance.

Delayed broadcast or recording of most important events

Article 8

Delayed broadcast of most important event or recording of the event may be broadcast where necessary for objective reasons or for the exercise of the public interest, in particular:

- 1) when two or more most important events take place simultaneously, only one event is broadcast live, while others are broadcast via delayed broadcast or recording;
- 2) when an event takes place with a significant time difference, and its recording would enable a significant portion of viewers to follow the event;
- 3) when, in the short period of time after individual or national competitions take place, it is uncertain whether the national representative or national team will advance to the finals of a competition, and, therefore, live broadcast would seriously undermine the previously established programme obligations of the media service providers.

Delayed broadcast referred to in paragraph 1 of this article shall be broadcast no later than starting at a time when the event is still ongoing or a recording shall be broadcast no later than 24 hours after the event is held.

IV. EXERCISING THE RIGHT TO ACCESS EVENTS
OF MAJOR INTEREST TO THE PUBLIC

Events of major interest to the public

Article 9

The right to access events of major interest to the public shall be exercised in accordance with Article 82, paragraphs 7 and 9 of the Law on Electronic Media.

The most important events set out in the list, in accordance with the provisions of Article 82, paragraphs 2 and 6 of the Law on Electronic Media, and other events (e.g. sports, cultural, political, entertainment, etc.) that are of general interest to the public in the Republic of Serbia shall be considered events of major interest to the public, rather than those that are only of importance for those citizens who otherwise follow a particular event or other activity related to the event.

Publication of information about acquisition of right to broadcasting most important events

Article 10

The media service provider that has the exclusive right to broadcasting shall publish on its website, no later than 30 days prior to the holding of the event of major interest to the public, the information that it has acquired the exclusive right to broadcasting the event, as well as the technical and financial requirements for the selection and retrieval of segments from the event.

In case the period of time from the moment of acquiring the exclusive right to broadcasting an event of major interest to the public until the day it takes place is shorter than 30 days, the media service provider with exclusive right to broadcasting shall publish the information referred to in paragraph 1 of this article on its website on the day following the acquisition of the right.

Right to publish segments

Article 11

The media service provider that has an exclusive right to broadcasting shall allow and enable any interested television service provider (hereinafter: media service provider requesting access), under equal terms and without discrimination, to select freely a segment from the event of major interest to the public for an appropriate fee that must not exceed the amount of actual costs.

Short audio-visual highlights about key aspects of the event shall be considered segments from an event of major interest to the public.

The selected segment published by the media service provider requesting access may last a maximum of 90 seconds.

The fee referred to in paragraph 1 of this article shall be paid for the reimbursement of costs of the media service provider with exclusive right to broadcasting, which directly result from enabling the retrieval of segments from an event of major interest to the public or which arise when enabling such retrieval.

The media service provider requesting access may publish the segment by retrieving it from the media service provider with exclusive right to broadcasting or through direct access to the venue of the event.

Manner of publication of a segment

Article 12

The selected segment shall be used exclusively for general news programmes.

The media service provider requesting access shall download the selected segment and broadcast it while citing the source of the video and audio, that is, identifying the television programme of the media service provider with exclusive right to broadcasting.

The media service provider requesting access may also use the selected segment from the most important event in its on-demand audio-visual media service, but only after the end of live broadcast or delayed broadcast or recording of the event of major interest to the public.

Manner of broadcasting the segment from events lasting several days or consisting of multiple parts

Article 13

If the event of major interest to the public lasts two or more days, the media service provider requesting access shall have the right to broadcast one selected segment per day of the event.

If the event of major interest to the public lasts one day but consists of multiple parts, the media service provider requesting access shall have the right to broadcast one selected segment for the entire event.

The media service provider requesting access may broadcast the selected segment from the particular event of major interest to the public only after the end of the live broadcast or delayed broadcast of the event.

V. FINAL PROVISIONS

Article 14

With the entry into force of this Rulebook, the Rulebook on the Manner of Establishing the List of Most Important Events of Particular Importance for All Citizens and on Exercising the Right to Access Events of Major Interest to the Public (Official Gazette of the RS, number 25/2015) shall cease to be valid.

Article 15

This Rulebook shall enter into force on the eighth day from the day of its publication in the Official Gazette of the Republic of Serbia.

Number 757/2024/1
In Belgrade, 7 May 2024
Regulatory Authority for Electronic Media
President of the Council

Olivera Zekić