

Pursuant to Article 116 of the Law on Electronic Media (Official Gazette of the RS, number 92/23),

at its session held on 7 May 2024, the Council of the Regulatory Authority for Electronic Media adopted a

## **R U L E B O O K** **on Compulsory Measures of Video Sharing Platform Service Providers**

### *Scope of Rulebook*

#### Article 1

This Rulebook regulates the measures that video sharing platform service providers (hereinafter: service providers) are obliged to implement and the manner of record-keeping by video sharing platform service providers.

### *Measures of service providers*

#### Article 2

Service providers shall:

- 1) establish the terms of use for users of video sharing platforms (hereinafter: users), which contain rules on the manner and conditions under which video content is generated;
- 2) establish and implement user-friendly transparent mechanisms, through which users can submit complaints to the service provider about content on its platform that may harm the physical, mental or moral development of minors, content that incites violence and hate, as well as content the publishing of which constitutes a crime of public incitement to commit terrorist acts, child pornography or racial or other discrimination;
- 3) establish and implement a system by which service providers provide information to users about the decision and measures taken by the service provider regarding the filling of complaints referred to in paragraph 1, item 2) of this article;
- 4) establish and implement a system for age verification of users with regard to content that could harm the physical, mental or moral development of minors;
- 5) establish and implement a system that enables users to determine the rating of certain content that may be harmful to minors;
- 6) establish and implement a user-controlled parental control system with regard to content that could harm the physical, mental or moral development of minors;
- 7) establish and implement a transparent, user-friendly and efficient procedure for handling and resolving users' complaints and grievances addressed to the service provider;
- 8) introduce effective media literacy measures, as well as work to raise the awareness of users about the existence of those measures.

Measures referred to in paragraph 1 of this article must be enforceable and proportionate and must take into account the scope of video sharing platform services and the nature of the service provided, and may not result in measures of prior check or filtering of content when uploading.

*Special obligations related to audio-visual commercial communications*

Article 3

In audio-visual commercial communications they place on the market, sell and edit, as well as in user-generated video content containing audio-visual commercial communications, service providers shall ensure compliance with the following rules:

- 1) audio-visual commercial communications must be immediately recognisable as such, and covert audio-visual commercial communications are prohibited;
- 2) in audio-visual commercial communications, subliminal techniques must not be used;
- 3) audio-visual commercial communications shall not:
  - (1) call into question respect for human dignity;
  - (2) demean, intimidate, promote prejudice and intolerance or incite hatred, violence or discrimination against a person or group on the basis of gender, race, ethnicity, nationality, faith or belief, disability, developmental difficulties, age, sexual orientation, gender identity and sexual characteristics, social origin or on the basis of any other circumstance which has the purpose or consequence of preventing or jeopardising the recognition, enjoyment or exercise, on an equal basis, of any person's rights and freedoms;
  - (3) encourage behaviour that is harmful to health or safety;
  - (4) encourage behaviour that is harmful to the environment;
- 4) all forms of audio-visual commercial communications for cigarettes and other tobacco products, electronic cigarettes and refill systems, as well as weapons, ammunition, pyrotechnics, and narcotic drugs are prohibited;
- 5) audio-visual commercial communications for alcoholic beverages of all kinds must not be directed specifically at minors or encourage excessive consumption of alcohol;
- 6) audio-visual commercial communications for medications, medical devices and medical treatments that are available exclusively with a medical prescription are not allowed;
- 7) audio-visual commercial communications may not directly encourage minors to purchase or hire products or services, exploiting their inexperience or credulity; directly encourage minors to persuade their parents or other persons to purchase products or services advertised; use the special trust that minors have in their parents, guardians, other legally responsible persons, teachers or other persons, or unjustifiably portray minors in dangerous situations.

Service providers shall take appropriate measures to ensure compliance with the rules referred to in paragraph 1 of this article in audio-visual commercial communications, taking into account the limited supervision that those video sharing platforms exercise over those audio-visual commercial communications.

Measures referred to in paragraph 2 of this article are:

- 1) to include and implement in the terms of use the rules for audio-visual commercial communications that are not sold or edited by service providers;
- 2) to have as a function for users who generate video content to declare whether such recordings contain audio-visual commercial communications.

#### *Notice of existence of audio-visual commercial communication*

### Article 4

Service providers shall display a clear notice indicating that programme content or user-generated video content contains audio-visual commercial communications, when service providers are notified of this by the user who posted video content containing audio-visual commercial communication.

#### *Obligation to set out code*

### Article 5

Service providers shall set out codes of conduct in order to reduce the exposure of children to audio-visual commercial communications regarding food and beverages containing ingredients with a nutritional or physiological effect the excessive consumption of which is not recommended, especially fat, trans-fatty acids, salt/sodium or sugar, which are broadcast before, during or immediately after content intended for children or specialised for them.

The code shall, among other things, ensure that audio-visual commercial communications do not emphasise the positive quality of the nutritional aspects of the food and beverages referred to in paragraph 1 of this article.

Before setting out the code referred to in paragraph 1 of this article, service providers shall submit it to the Regulatory Authority for Electronic Media (Regulator) for issuance of prior consent.

#### *Application for registration in the records*

### Article 6

Service providers with the head office in the Republic of Serbia or considered to have a head office in the Republic of Serbia, within the meaning of Article 117 of the Law on Electronic Media, must be registered in the Records of Video Sharing Platform Service Providers, which are maintained by the Regulator.

The application for registration in the Records must contain:

- 1) the full name of the applicant;
- 2) name of the video sharing platform;
- 3) address of applicant's head office;
- 4) registration number;
- 5) TIN;
- 6) data about responsible persons (name and surname, address);
- 7) website (URL) of the service;
- 8) e-mail enabling direct contact with the service provider and the responsible person;
- 9) scheduled start date for service provision.

The application for registration in the records shall be submitted by mail, electronically or in person to the premises of the Regulator.

*Final provision*

Article 7

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 756/2024/1**  
**In Belgrade, 7 May 2024**  
**Regulatory Authority for Electronic Media**  
**President of the Council**

**Olivera Zekić**