

Pursuant to Article 48, paragraph 3 of the Law on Electronic Media (Official Gazette of the RS, number 92/2023),

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

RULEBOOK

on the Amount, Modification of the Amount and Manner of Calculation of the Fee for Media Service Provision

Article 1

This Rulebook regulates in more detail the amount, modification of the amount and manner of calculation of the fee for media service provision (hereinafter: fee).

Article 2

The Regulatory Authority for Electronic Media (hereinafter: Regulator) shall issue a decision determining the amount of the fee payable by the media service provider for the right to provide media services.

The amount of the fee shall be determined on an annual basis.

The media service provider shall make monthly payments to the Regulator in the amount of 1/12 of the determined annual fee, by the fifth of the month for the current month.

In case of a failure to pay the fee due for media service provision referred to in paragraph 3 of this article by the fifth of the month for the current month, the Regulator shall calculate the interest in accordance with the law governing penalty interest.

Notwithstanding paragraph 3 of this article, for the first six months of media service provision, the provider shall pay 1/2 of the fee determined on an annual basis, within eight days from the day of receiving the licence for media service provision and the decision referred to in paragraph 1 of this article.

Article 3

The amount of the fee shall be calculated using the following formula:

$$F = B \times I \times CTM \times CLN \times CPC$$

Items in the formula referred to in paragraph 1 of this article shall have the following meaning:

- *F*-amount of the annual fee;
- *B*-base for determining the annual fee;
- *I*-number of inhabitants in the coverage (allotment) area or number of users of the media content distribution service;
- *CTM*-coefficient of type of electronic medium (radio, television, other audio-visual media service, etc.);
- *CLN*-coefficient of the manner of media service provision (linear and non-linear provision of media services) and the type of media service by content (general media service, specialised media service and service entirely devoted to teleshopping or self-promotion);
- *CPC*-coefficient of programme concept, that is, type and origin of the content provided;

The fee amount calculated using the formula referred to in paragraph 1 of this article may not be lower than 48,000.00 dinars for linear and non-linear television media service, or 12,000.00 dinars for linear and non-linear radio media service.

Article 4

The base for determining the annual fee shall be set in the amount of the actual costs of regulation.

The base for determining the annual fee in case of the licence for media service provision (hereinafter: licence) granted based on a public competition shall amount to 7.23 dinars.

The base for determining the annual fee in case of the licence or approval granted based on an application/request filed by a requester shall amount to:

- 1) 0.15 dinars, if the requester has already been granted a licence based on a public competition exclusively for the programme for which the requester applied for a licence;
- 2) 0.65 dinars, if the requester has not been granted a licence based on a public competition for the programme for which the requester applied for a licence.

Article 5

The number of inhabitants in the area in which the media service is provided shall be determined based on official data of the authority responsible for statistics and data on coverage/allotment area obtained from the public enterprise for broadcasting infrastructure management and the independent regulatory authority for electronic communications.

The number of users of the media content distribution service shall be determined based on the data obtained from operators of electronic communications networks for broadcasting and distributing media content.

Article 6

If the licence or approval was granted for television broadcasting, the *CTM* coefficient shall amount to 1.00.

If the licence or approval was granted for the provision of radio media services, the *CTM* coefficient shall amount to 0.079.

Article 7

If the licence was granted for the provision of general television services or general radio media services, the *CLN* coefficient shall amount to 1.00.

If the licence was granted for the provision of specialised television services, specialised radio media services or media services entirely devoted to teleshopping and self-promotion, the *CLN* coefficient shall amount to 0.75.

If the approval was granted for the provision of general non-linear audio-visual media services or general on-demand radio media services, the *CLN* coefficient shall amount to 0.50.

If the approval was granted for the provision of specialised non-linear audio-visual media services, specialised on-demand radio media services or non-linear services entirely devoted to teleshopping and self-promotion, the *CLN* coefficient shall amount to 0.25.

Article 8

In determining the amount of the annual fee, the Regulator shall take into account the media service provider's programme concept, which is an integral part of the licence for media service provision, as well as the data obtained by examining the programme broadcast by the media service provider.

If the media service provider only meets the prescribed minimum programme requirements, the value of the *CPC* coefficient shall be 1.00.

If science and educational, cultural and artistic or children's programme content or own documentary programmes have, cumulatively or individually, a share in the total annual broadcast programmes of the media service provider:

- 1) from 2% to 5%, the value of the *CPC* coefficient shall be 0.95;
- 2) over 5% to 10%, the value of the *CPC* coefficient shall be 0.90;
- 3) over 10% to 15%, the value of the *CPC* coefficient shall be 0.85;
- 4) over 15% to 20%, the value of the *CPC* coefficient shall be 0.80;
- 5) over 20%, the value of the *CPC* coefficient shall be 0.75.

If the media service provider's programme is specialised in broadcasting science and educational, cultural and artistic or children's programme content, the value the *CPC* shall be 0.75.

If science and educational, cultural and artistic or children's programme content, which is own production of the media service provider has, cumulatively or individually, a share of over 25% in the total annual broadcast programmes, the value of the *CPC* coefficient shall be 0.75.

If own production current affairs programme content has a share in the total annual broadcast programmes of the media service provider of over 5%, the value of the *CPC* coefficient shall be 0.90.

If the programme content in the languages of national minorities has a share in the total annual broadcast programmes of the media service provider:

- 1) from 2% to 5%, the value of the *CPC* coefficient shall be 0.95;
- 2) over 5% to 15%, the value of the *CPC* coefficient shall be 0.90;
- 3) over 15% to 25%, the value of the *CPC* coefficient shall be 0.85;
- 4) over 25%, the value of the *CPC* coefficient shall be 0.75.

If the media service provider's programme has a share of programme content adapted to persons with disabilities or persons with hearing or visual impairments:

- 1) from 2% to 5%, the value of the *CPC* coefficient shall be 0.95;
- 2) over 5%, the value of the *CPC* coefficient shall be 0.90.

If the requirements for the application of multiple criteria referred to in paragraphs 3-8 of this article are met, reductions based on the application of those criteria shall be added together, with the total reduction not exceeding 30%, and the lowest determined value of the *CPC* coefficient shall be 0.70.

Article 9

The Regulator may, during the validity of the granted licence or approval, modify the amount of the determined annual fee.

The Regulator shall modify the amount of the determined annual fee in case of:

- 1) changes in the data on the number of inhabitants based on official data of the authority responsible for statistics;
- 2) changes in the data on coverage/allotment area based on official data of the independent regulatory authority for electronic communications or public enterprise for broadcasting infrastructure management;
- 3) changes in data on the number of users of media content distribution services received from operators of electronic communications networks for media content distribution;
- 4) when it determines that the requirements for applying any of the *CPC* coefficient values referred to in Article 8, paragraphs 3-8 of this Rulebook have not been met;
- 5) determining, based on the request of the media service provider for a reduction of the determined annual fee, that the provider's programme meets the requirements for applying any of the *CPC* coefficient values referred to in Article 8, paragraphs 3-8 of this Rulebook when determining the annual fee.

The annual fee referred to in paragraph 2, items 1)-4) of this article shall be modified *ex officio* and applied starting from the year following the year in which the decision on modification was adopted.

If, based on reviewing the media service provider's programme, the Regulator determines that the requirements for applying any of the *CPC* values referred to in Article 8, paragraphs 3-8 of this Rulebook have not been met, the Regulator shall issue a decision modifying the determined annual fee in accordance with the established facts.

The programme based on which the reduction of the determined annual fee is requested must comply with the programme concept that is an integral part of the licence or approval.

The media service provider may submit the request referred to in paragraph 2, item 5 of this article no later than 1 September of the current year for the following year and must clearly specify in the request the reasons for requesting a modification of the determined fee, the requested reduction amount, and submit a recording of own programme broadcast during the three months preceding the submission of the request.

Based on the media service provider's request referred to in paragraph 2, item 5 of this article, the Regulator shall determine whether the requirements have been met and modify the amount of the annual fee starting from the year following the year in which the request was submitted.

Article 10

On the day of entry into force of this Rulebook, the Rulebook on the Amount, Modification of the Amount and Manner of Calculation of the Fee for Media Service Provision (Official Gazette of the RS, number 104/2016) shall cease to be valid.

Article 11

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 762/2024/1
In Belgrade, 7 May 2024
Regulatory Authority for Electronic Media
President of the Council

Olivera Zekić