

Pursuant to Article 83 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

INSTRUCTION **on the Manner of Implementation of the Provisions of the Law on** **Electronic Media Regulating Own Production**

1. This Instruction regulates in more detail the manner in which the Regulatory Authority for Electronic Media implements the provisions of Article 4, item 27) and Article 81 of the Law on Electronic Media (hereinafter: Law) regulating own production, with the aim of ensuring their proper implementation.

2. Within the meaning of the provisions of Article 4, item 27) and Article 81, paragraph 5 of the Law, news and current affairs, documentary, science and educational, entertainment, reality, cultural and artistic, religious, film, serial, sports, musical and children's programmes, programmes for minors and other programmes, originally produced by the media service provider or other person under the direction and on behalf of the media service provider, shall be considered own production in cases where:

(1) in the television programme – the original audio or video material and/or the original contribution accounts for more than 50% of the content;

(2) in the radio programme – the original audio material and/or the original contribution accounts for more than 20% of the content.

3. Programme content produced under the direction of the media service provider by another person using their own production resources shall be considered a programme produced under the direction and on behalf of the media service provider within the meaning of the provision of Article 4, item 27) of the Law, while, subsequent to its production, the media service provider is authorised to broadcast the content in its programme under its own name, subject to the obligation to credit the author of the content.

4. Programme content produced by the media service provider shall also be considered own production within the meaning of the provision of Article 4, item 27) of the Law, if the provider produced it:

(1) under a licence or acquired format;

(2) in bilateral or multilateral co-production with another person, where it is fully included in the quota of own production, unless the media service provider designated such content in the records that the provider keeps as a European audio-visual work of an independent producer, within the meaning of the provision of Article 81, paragraph 2 of the Law;

(3) as live or delayed broadcast of a sports, cultural or other event that the media service provider provides independently or actively participates in the creation and realisation of the broadcast;

(4) as live or delayed broadcast of a sports, cultural or other event that the event organiser or other person realises using own resources to meet the needs of multiple users, and the media service provider has acquired the right to its broadcast and actively participates in the creation and realisation of that broadcast;

(5) as the content of another person, which the media service provider broadcasts in its entirety or in part, while actively participating in creating it.

5. The following contents shall not be considered own production within the meaning of provisions of Article 4, item 27) and Article 81, paragraph 6 of the Law, regardless of who produced it:

(1) games;

(2) advertising in television or radio programmes, including announcements of content in the programme;

(3) teleshopping or radio shopping.

(4) teletext services/interactive services.

6. A programme broadcast by the media service provider in the period from 1 January to 31 December of the current year shall be considered an annual broadcast programme within the meaning of the provisions of Article 81, paragraphs 1 and 6 of the Law, with the exception of:

(1) games;

(2) advertising in television or radio programmes, including announcements of content in the programme;

(3) teleshopping or radio shopping.

(4) interactive services or teletext services;

(5) news programmes and sports broadcasts that are not the own production of the media service provider.

7. Programme content aimed at entertainment and including interactive games over the phone, prize competitions that do not require special or general knowledge or level of information, as well as games of chance (lotto, sports betting, lottery, instant lottery, tombola, bingo) shall be considered games within the meaning of Article 81, paragraph 6 of the Law.

8. The first broadcasting of programme content in the programme of the media service provider shall be considered the first-run broadcasting of programme content within the meaning of the provision of Article 81, paragraph 4 of the Law, having regard to the period from the day it started to provide media service until the day of broadcasting the content, but regardless of the year of production of the content and whether such content was broadcast in another programme of that media service provider, the programme of another media service provider or through another medium.

9. The first rerun of certain programme content following its first-run broadcasting shall be considered the first repeat broadcasting of the programme content, within the meaning of the provision of Article 81, paragraph 4 of the Law.

10. The obligations referred to in Article 81 of the Law shall not apply to media service providers whose media service is specialised in terms of its content, such that it entirely covers the programme content referred to in item 5 of this Instruction.

11. With the entry into force of this Instruction, the Instruction on the Manner of Implementation of the Provisions of the Law on Electronic Media Regulating Own Production (Official Gazette of the RS, number 72/2015) shall cease to be valid.

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

Number 759/2024/1
In Belgrade, 7 May 2024
Regulatory Authority for Electronic Media
President of the Council

Olivera Zekić