



REGULATORY
AUTHORITY FOR
ELECTRONIC
MEDIA

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Number: 72/2025/6

Date: 13/03/2025

Belgrade

Report of the Monitoring and Analysis Service of the REM - ex officio procedure

	Procedure initiated ex officio
Ex officio procedure	<p>Complainant:</p> <p>Against: Preduzeće za marketing, izdavačku delatnost, radio i televiziju Happy TV doo — Happy reality 2 (Aleksandra Dubčeka 14, Belgrade)</p> <p>Date of receipt: 22/01/2025</p>
Report	<p>The Regulatory Authority for Electronic Media initiated an ex officio procedure on the basis of a letter submitted on 21/01/2025 against Preduzeće za marketing, izdavačku delatnost, radio i televiziju Happy TV doo — Happy reality 2 (license number K 342 – 2). The letter was filed by</p> <p>due to the violation of provisions of the Law on Marking of the Day of Mourning in the Territory of the Republic of Serbia.</p> <p>At the request of the Regulator for the cable television Happy reality 2 to submit a continuous 24-hour programme recording for 22 January 2025, the media service provider submitted a recording of the programme of Nacionalna Happy TV for the aforementioned day on 12 February 2024. Following a repeated request to submit a programme recording issued by the Regulator, on 7 March the media service provider submitted a recording of the programme of TV Happy reality 2 broadcast on 22 January 2024. Instead of a continuous 24-hour recording, 96 files were submitted, each lasting fifteen minutes.</p> <p>By reviewing the programme of TV Happy reality 2, it was found that, without an identification logo, a forced environment reality programme was broadcast, during which, for several hours, while videos of participants sleeping were broadcast, music was played and the participants themselves occasionally seemed to sing and dance to music. The decision declaring the day of mourning was not broadcast either. The Government of the Republic of Serbia declared one day of mourning on 22 January 2025 after a large number of people were killed in a fire at the Home for the Elderly Ivanović in Barajevo. The Regulatory Authority for Electronic Media oversees the implementation of the provisions of the Law on Marking of the Day of Mourning relating to radio and television programmes of media service providers, as an entrusted task. For that purpose, the Regulator instructed the media service providers to broadcast the decision on the declaration</p>

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	<p>of the day of mourning during the provision of their services, as well as, during that day, to broadcast music and programmes appropriate to the day of mourning instead of humorous, entertainment, forced environment reality programmes, folklore and other programme content with popular and folk music, and adjust the programme schedule. The media service providers were recommended to broadcast artistic and instrumental music in a minor key.</p> <p>Contrary to the instruction to submit a continuous 24-hour recording of the broadcast television programme for 22 January 2025, TV Happy reality 2 submitted to the Regulator a recording of the programme of Nacionalna Happy TV for the stated day in files lasting one hour each. The programme broadcast on 22 January 2025 on TV Happy reality 2 was only submitted upon a repeated request of the Regulator, but not as a continuous 24-hour recording, but as 96 files lasting 15 minutes each, which is contrary to Article 35, Paragraph 3 of the Law on Electronic Media.</p>
Conclusion	<p>Cable television Happy reality 2 violated the following:</p> <ul style="list-style-type: none"> • Article 6, Paragraph 1, Item 3 of the Law on Marking of the Day of Mourning in the Territory of the Republic of Serbia; • Article 42 of the Law on Public Information and Media (<i>Basic information about the media shall be published in each media in the form of an imprint, imprint summary or identification</i>) and Article 43, Paragraph 4 of the Law on Public Information and Media (<i>The identification of a television programme shall contain the characteristic symbol of the audiovisual media service or television programme</i>), in connection with Article 69 of the Law on Electronic Media relating to the obligation to identify (<i>The obligation to identify the media service provider shall be subject to the law governing public information and media</i>); • Article 35, Paragraph 3 of the Law on Electronic Media related to oversight of the work of media service providers (<i>The media service provider shall, at the request of the Regulator, submit all the necessary data, information, documentation and recordings of the broadcast programme content for the purpose of unhindered oversight</i>).