

Law on Electronic Media

I. BASIC PROVISIONS

Scope of the law

Article 1

This law regulates, in accordance with international enactments and standards, the organisation and operation of the Regulatory Authority for Electronic Media, the requirements and the manner of media service provision, the requirements and procedures for granting licences for the provision of media services, the oversight of media service providers, and other issues relevant to the area of electronic media.

Article 2

The provisions of this law shall not apply to the requirements for performing electronic communication activities, the requirements and the manner of using radio frequencies for distributing and broadcasting media content, as well as the requirements for the installation, use and maintenance of (broadcasting, fixed and mobile) transmission radio stations.

Interpretation of the provisions of this law

Article 3

The provisions of this law shall be interpreted in favour of promoting the values of democratic society; free flow of information; freedom of expression; media and political pluralism; the right of the public to know, in accordance with the principles of the Constitution of the Republic of Serbia, the law governing the area of public information and applicable international standards in the area of human and minority rights, media regulation and public communication, as well as the practices of international institutions overseeing their implementation.

The gendered terms used in this law that are grammatical masculine shall be understood to refer to persons of both female and male gender.

Meaning of certain terms

Article 4

Terms used in this law shall have the following meaning:

1) audiovisual media service means a service whose principal purpose, or the purpose of a distinct part of which, is the provision of programme content to the general public for informational, educational, or entertainment purposes, by means of electronic communications

networks, under the editorial responsibility of the service provider, in the form of a television broadcast, on-demand audiovisual media service, or audiovisual commercial communication;

2) on-demand audiovisual media service (non-linear audiovisual media service) means an audiovisual media service provided by the media service provider for the viewing of programmes at a time chosen by the user and upon the user's individual request, from a catalogue of programmes selected and organised by the media service provider;

3) user-generated video content means a series of moving images, with or without sound, making up a distinct item relative to other content available on the video sharing platform, regardless of its duration, uploaded on the platform by the user or other person on behalf of the user.

4) European audiovisual works means works created in the member states of the European Union; works created in other European countries that are parties to the European Convention on Transfrontier Television of the Council of Europe, and works that are created jointly under agreements, relating to the audiovisual sector, and concluded between the European Union and third countries, which meet the requirements set out in such agreements. European audiovisual works created in the member states of the European Union and works created in other European countries that are parties to the European Convention on Transfrontier Television of the Council of Europe must also meet one of the following requirements:

(1) they are created by one or more producers set up in one or more such states;

(2) the production of such works is overseen or constantly controlled by one or more producers set up in one or more such states;

(3) the contribution of co-producers from such states to the total co-production cost is preponderant and such co-production is not controlled by one or more co-producers set up outside such states.

Works that are not European works within the meaning of this law but that are produced under the framework of bilateral co-production agreements concluded between the member states and third countries shall be deemed European works provided that the co-producers from the European Union provided a majority share of the total production costs and that the production is not controlled by one or more producers set up outside the territory of such member states.

5) electronic communications network for media content distribution means an electronic communications network within the meaning of regulations governing the area of electronic communications, which is used for the distribution of media content;

6) electronic media means a programme or the entire programme content of radio and television, as well as programme content available on demand by means of electronic communications networks;

7) protected service means a media service provided with conditional access;

8) coverage area means a single service area or the sum of individual service areas of each analogue or digital radio transmitter, in case of a radio transmitter network, which provides coverage with analogue or digital terrestrial signal of a single audiovisual media service, or radio media service, and which, in the case of digital broadcasting, covers one or more allotment areas;

9) allotment area means an area in which transmitter sites are allotted to ensure its coverage with digital terrestrial television or radio signal in accordance with the Law on Ratification of the Final Acts of the Regional Conference on Radio Communications for Planning Digital Terrestrial Broadcasting Service in Parts of Regions 1 and 3, in Frequency Bands 174-230 MHz and 470-862 MHz (RRC-06) (Official Gazette of the RS - International Treaties, No. 4/10);

10) co-production means the joint production of several media service providers, or a media service provider and an independent producer;

11) media pluralism means different forms of setting up of media service providers, diversity of media content in terms of equal and balanced expression of political opinions, as well as diversity of programme content within the type and character of the media service provider's programme;

12) media services means the audiovisual media service and radio media service;

13) public broadcaster media service means the production, purchase, processing and broadcasting of all types of programme contents that are balanced, diverse, high-quality, funded by public revenues, in public interest and meet the communication needs of all social groups and the general public, impartially and without discrimination;

14) radio media service means a service providing audio content to an unlimited number of users by means of electronic communications networks with editorial responsibility of the service provider, for the purpose of simultaneous consumption on the basis of the programme schedule (linear radio media service), or for the purpose of consumption at the time selected by users at their own request on the basis of the catalogue of programmes which are selected and organised by the provider (on-demand media services);

15) television media service (linear audiovisual media service) means a service that the provider of audiovisual media services provides for the purpose of simultaneous viewing of the programme based on the programme schedule;

16) independent producer means the natural or legal person registered for the production of audio and audiovisual works and based in the Republic of Serbia or a member state of the European Union or other European country that is a party to any international treaty binding on the Republic of Serbia and which is not a market participant related to a media service provider within the meaning of the law governing the protection of competition;

17) operator of an electronic communications network for media content distribution (hereinafter: operator) means a person who provides or is authorised to provide the electronic communication service of media content distribution;

18) multiplex operator means a person who provides or is authorised to provide the electronic communication service of multiplexing media content and other data within the meaning of regulations governing electronic communications;

19) political advertising means the programme content recommending, against compensation, registered political parties, groups of citizens, coalitions, candidates or their activities, ideas or positions for the purpose of achieving success in elections;

20) programme content means editorial sets that contain: information, ideas and opinions, as well as works of authorship in audio form (hereinafter: audio content), or in the form of moving images with or without sound (hereinafter: audiovisual content) constituting an individual

schedule item, regardless of their length, which are made available to the public by means of electronic media in order to inform, entertain, educate, etc.

21) media service provider means a natural person registered for performing the activity or the legal person that has editorial responsibility for the selection of audiovisual content of the audiovisual media service or audio content of the radio media service, and decides on the manner in which it is organised;

22) video sharing platform service provider means a natural person registered to perform the activity of, or the legal person that enables, the distribution of video content on the platform they own but do not have editorial responsibility for the content;

23) retransmission (intermediation or rebroadcasting) means retrieving and simultaneously broadcasting complete unaltered audiovisual services of commercial or other programme content;

24) reality programme content means the programme content that, primarily for the purpose of entertaining media service users, displays, in a natural or artificially created environment (e.g. an artificially created community of people in a limited physical space), the manner in which the participants of such content behave for a certain period of time in a predetermined, spontaneous or otherwise generated concrete life situations (e.g. co-existence in a community of people, mutual communication, work, leisure, resolving certain assigned or unforeseen specific life problems, etc.), and in which participants, as a rule, participate in order to obtain certain benefits;

25) Serbian audiovisual works means cinematographic works or works created by similar techniques and television works that meet the requirements for domestic cinematographic works, or co-production cinematographic works, in accordance with the law governing the area of cinematography;

26) Serbian musical works means musical works the majority of whose authors or at least one of the authors and performers are citizens of the Republic of Serbia or the producer of phonograms is a domestic legal or natural person;

27) own production means programmes that were originally produced by the media service provider, or other person under the direction and on behalf of the media service provider;

28) editorial responsibility means the responsibility for the production, selection and control of contents and their organisation based on laws, professional and ethical rules, either in order to provide services under the programme schedule or to provide content on demand;

29) editorial decision means the decision that is regularly made while conducting activities subject to editorial responsibility, in connection with the daily functioning of the media service;

30) conditional access means the technical measure or solution which enables the use of protected service conditional upon the payment of a fee, as well as other forms of prior individual authorisation;

31) video sharing platform service means the information society service, within the meaning of the law governing electronic commerce, the main purpose of which (or of its detachable part or its core functionality) is to make available to the public, in order to inform, entertain or educate, programme contents, videos generated by users or both, by means of an electronic communications network, for which the video sharing platform provider does not bear editorial

responsibility, but organises such content, in particular by displaying, labelling and determining their order, using, inter alia, automatic means or algorithms.

Principles of regulating the area of media service delivery

Article 5

The regulation of relations in the area of media service provision shall be based on the following principles:

- 1) freedom, professionalism and independence of media service providers, with the aim of ensuring the preservation and development of values of democratic society and social harmony, preventing conflict and preserving peace, true, timely, credible and complete information and enabling free personal development;
- 2) prohibition of any form of censorship and illegal influence on the work of media service providers, thus guaranteeing the independence of their editors, journalists and other members of the editorial team;
- 3) full promotion and protection of human rights and freedoms, especially freedom of expression, media and political pluralism, human dignity, prohibition of all forms of hate speech, welfare of minors, public health, public security, disabling content that incites violence and terrorism and the exercise of the interests of the public and media service users;
- 4) use of the Serbian language and script and contribution to the development of national culture;
- 5) freedom of information in the language and script of national minorities and the development of culture of national minorities;
- 6) application of internationally recognised norms and principles relating to the area of media service provision and media broadcasting, and in particular respect for human rights in this field;
- 7) impartiality, proportionality and publicity in proceedings conducted by the Regulator;
- 8) encouragement of free competition of media service providers;
- 9) free reception and retransmission of media services from other countries in accordance with ratified international treaties;
- 10) respect for the needs and preferences of media service users (the public) and the protection of their interests;
- 11) promotion of media literacy;
- 12) protection of cultural diversity;
- 13) promotion of the development of creativity and production in the area of media services in the Republic of Serbia.

II. REGULATORY AUTHORITY FOR ELECTRONIC MEDIA

1) General provisions

Establishment

Article 6

The Regulatory Authority for Electronic Media (hereinafter: Regulator), established by this law, is an independent regulatory organisation with the status of a legal entity vested with public authority for the purpose of: the effectively implementing the policy defined for the area of media service provision in the Republic of Serbia, improving the quality and diversity of electronic media services; contributing to the preservation, protection and development of freedom of opinion and expression and free flow of information; for the purpose of protecting public interest in the area of electronic media, ensuring pluralism and prohibiting discrimination and protecting users of electronic media services, in accordance with the provisions of this law, in a manner suitable for a democratic society .

The Regulator shall be functionally and financially independent of government bodies and organisations, media service providers and operators.

The head office of the Regulator shall be in Belgrade.

In order to carry out technical and administrative tasks, a technical service of the Regulator shall be established.

The rights and duties of employees in the technical service of the Regulator shall be governed by general labour regulations.

In order to ensure more efficient supervision of the work of media service providers, the Regulator may establish regional units.

In carrying out specific technical activities under its jurisdiction, the Regulator may engage other domestic or foreign legal and natural persons.

The Regulator shall report to the Assembly of the Republic of Serbia (hereinafter: National Assembly) on carrying out tasks within its jurisdiction.

The manner of operation and internal organisation of the Regulator shall be regulated by the Statute.

Scope of work of the Regulator

Article 7

The Regulator shall:

- 1) set the guidelines for the development of media services in the Republic of Serbia;
- 2) adopt the Statute;
- 3) adopt the financial plan;
- 4) issue general bylaws prescribed by the law;
- 5) grant licences for the provision of television media service and radio linear media service (hereinafter: licence);
- 6) regulate in more detail the requirements and criteria for granting licences in accordance with the provisions of this law and prescribe the form and content of the licence;

- 7) grant approvals for the provision of on-demand media services and regulate in more detail the conditions and criteria for granting approvals;
- 8) maintain the Media Service Register and other records in accordance with this law;
- 9) conduct supervision and oversight of the work of media service providers and ensure the consistent application of the provisions of this law;
- 10) impose measures against media service providers in accordance with this law;
- 11) decide on complaints in connection with the programme activities of media service providers;
- 12) provide its opinion to the competent government authorities in connection with the accession to international conventions related to the area of media service provision;
- 13) initiate the adoption of and amendment to laws, other regulations and general enactments for the purpose of efficient performance of tasks within their scope of work;
- 14) conduct analyses of the relevant media market, in cooperation with the authority responsible for the protection of competition, in accordance with the methodology prescribed by the enactment adopted by the Regulator;
- 15) conduct research of the needs of media service users and protect their interests;
- 16) cooperate and coordinate its work with the authority responsible for electronic communications and the authority responsible for the protection of competition, as well as other regulatory authorities in accordance with this law;
- 17) encourage the preservation and protection of the Serbian culture and language, as well as the culture and languages of national minorities;
- 18) promote improved accessibility of media services for persons with disabilities;
- 19) encourage the development of creativity in the area of radio, television and other audiovisual media services in the Republic of Serbia;
- 20) promote the development of professionalism and high level of education of staff in the electronic media in the Republic of Serbia, as well as the enhancement of the editorial independence and autonomy of media service providers;
- 21) regulate in more detail the conditions for provision of services by video sharing platforms;
- 22) adopt the Code of Conduct for members of the Council and
- 23) perform other tasks in accordance with the law.

The tasks referred to in paragraph 1, items 4), 5), 6), 7), 10) and 21) of this article shall be performed by the Regulator as entrusted tasks.

2) Regulator's bodies and manner of operation

Regulator's bodies

Article 8

The Regulator's bodies shall be the Council of the Regulator and the Director.

The Council of the Regulator

Article 9

The Council shall adopt all enactments from the scope of work of the Regulator.

The President of the Council shall represent and act on behalf of the Council, manage the operation of the Council, sign the decisions of the Council and ensure their execution, ensure the publicity of the operation of the Regulator, submit activity reports to the National Assembly and perform other tasks established by the law.

If the President is unable to perform the duties of the office, the Vice-President of the Council shall act in his or her stead.

Composition of the Regulator's Council

Article 10

The Council of the Regulator (hereinafter: Council) shall have nine members who are elected from the ranks of distinguished experts in the fields relevant to carrying out tasks under the Regulator's jurisdiction. Only a person that has a strong public reputation and, through his or her work and activities, has advocated for freedom of expression, free flow of information, exercise of human rights, development of civil society, promotion of democracy, respect for constitutionality and legality, may be a Council member.

Only a person who has a university degree with at least 240 ECTS or a university degree from studies lasting at least four years, who is a citizen of the Republic of Serbia and has a permanent residence in the territory of the Republic of Serbia, may be a member of the Council. When nominating and electing members of the Council, the principle of gender equality shall be taken into account.

The following persons shall be deemed experts in fields relevant to the performance of tasks under the jurisdiction of the Regulator:

- 1) persons in the teaching or scientific research profession with at least ten years of work experience in the field, at the colleges of journalism, communication studies and media, in the fields and science disciplines related to journalism, communication studies and media, if the study programmes at these colleges have been in existence for at least 20 years;
- 2) journalists and editors with at least ten years of experience in the field of production and editing of content or management in electronic media, radio and television;
- 3) experts who have at least ten years of experience in the business operation of electronic media, or are engaged in the media market and other electronic media activities in professional national and international organisations, in particular: lawyers, political scientists, communication science experts, sociologists;
- 4) musical artists, writers, producers, dramatic and audiovisual artists with at least ten years of experience working on electronic media programmes;
- 5) media researchers who have been researching media at universities, institutes and in other professional organisations or civil society organisations for at least ten years.

Election of the Council

Article 11

The Council members shall be elected by the National Assembly, upon the proposal of the authorised nominators.

A member of the Council shall be elected if a majority of the total number of deputies of the National Assembly voted for them.

In the event that none of the nominated candidates receive the required majority of votes, the procedure for nominating candidates shall be repeated.

Authorised nominators

Article 12

The following authorised nominators shall have the authority and duty to each nominate two members of the Council:

- 1) the Ombudsman, the Commissioner for the Protection of Equality, the Commissioner for Information of Public Importance and Personal Data Protection;
- 2) universities accredited in the Republic of Serbia;
- 3) associations of electronic media providers in the Republic of Serbia, whose members have at least 30 licences for the provision of audio and audiovisual media services and which were registered at least three years prior to the announcement of the public call;
- 4) associations of journalists in the Republic of Serbia, with each having at least 300 members with paid membership fee, and registered at least three years prior to the announcement of the public call;
- 5) associations of film, stage and dramatic artists and associations of composers in the Republic of Serbia, if they were registered at least three years prior to the announcement of the public call;
- 6) associations aimed at the exercise of freedom of expression, if they were registered at least three years prior to the date of the announcement of the public call and have a minimum of three implemented projects in this area in the last three years;
- 7) associations aimed at the protection of children, if they were registered at least three years prior to the date of the announcement of the public call and have a minimum of three implemented projects in this area in the last three years;
- 8) national councils of national minorities;
- 9) churches and religious communities.

Procedure for nominating members of the Council

Article 13

The committee of the National Assembly responsible for information (hereinafter: committee), which has an administrative and technical role, shall announce a public call for the nomination of candidates for the members of the Council no earlier than six months and no later than three months before the expiration of the term of office of the Council member, or within 15 days at the latest of the termination of the term of office due to reasons provided for in Article 18, items 2)-4) of this law.

Each of the authorised nominators shall submit to the committee a reasoned nomination with two candidates for the members of the Council within 15 days from the date of publication of the public call referred to in paragraph 1 of this article.

The nomination shall be accompanied by evidence of compliance with the requirements: for the nominated candidates referred to in Article 10 of this law, for the organisations referred to in Article 12 of this law, as well as written consent of the candidates.

After determining the compliance with the requirements, the committee shall prepare a list of candidates, as well as a list of organisations that together form a single authorised nominator within 7 days of expiry of the deadline referred to in paragraph 2 of this article and publish them on the website of the National Assembly.

Exceptionally, the list of candidates and the list of organisations may be prepared within 15 days of expiry of the deadline referred to in paragraph 2 of this article if the committee left to the authorised nominator additional time to rectify or supplement their nomination, or provide evidence of compliance with the requirements referred to in paragraph 3 of this article.

In the procedure of nominating candidates and determining the list of candidates, authorised nominators shall be fully independent, and the committee shall not influence in any way the nomination and voting process.

Procedure for electing members of the Council

Article 14

If the authorised nominators have submitted a nomination with more than two candidates, the staff of the committee shall, within 7 days from the date of publishing the list of candidates and the list of organisations referred to in Article 13 of this law, set the date for approving the joint nomination of two candidates for the members of the Council.

The staff of the committee shall provide the authorised nominators that have nominated more than two candidates, with the premises for a meeting to approve a joint nomination of two candidates.

Between the day of determining the date referred to in paragraph 1 of this article and the date of the meeting of organisations referred to in paragraph 2 of this article, no more than 7 days may pass.

The authorised nominators shall approve by mutual agreement the final nomination of two candidates for the members of the Council.

If an agreement cannot be reached by mutual agreement of all nominators referred to in paragraph 1 of this article, the final nomination of two joint candidates shall be approved by voting provided for and organised by the staff of the committee.

The candidates referred to in paragraph 5 of this article shall be the two that received the most votes.

The staff of the committee shall publish the final nomination of all candidates on the website of the National Assembly.

The National Assembly committee shall organise a public discussion with the nominated candidates for the members of the Council within 15 days of approving of the nomination referred to in paragraph 7 of this article.

Election of the member of the Council shall be placed on the agenda of the first National Assembly session following the public discussion referred to in paragraph 8 of this article.

Incompatibility with Council membership

Article 15

A member of the Council may not be:

- 1) a person who holds a public office in the Republic of Serbia, an autonomous province or a local self-government within the meaning of the regulations governing the area of conflict of interest in the exercise of public office;
- 2) an official in a political party within the meaning of the regulations governing the area of conflict of interest in the exercise of public office;
- 3) a person who owns a media service provider or owns an interest therein, a shareholder, a member of a management body or other bodies, an employee, a person under contract or a person who has an interest in legal entities engaged in the production, distribution or broadcasting of radio and television programmes or related activities;
- 4) a person who has been finally convicted of a criminal offence and sentenced to an unconditional prison sentence of at least six months;
- 5) a person against whom appropriate bodies of journalist and media organisations referred to in Article 12, items 4) and 5) of this law, have imposed a sanction for unprofessional and unethical conduct in the performance of journalist activity;
- 6) a person who, through their actions and behaviour, jeopardises the reputation of the Regulator and its autonomy and independence.

The candidate shall submit a written statement to the authorised nominator certifying that there are no impediments for his or her election set forth in this article.

Term of office of Council members

Article 16

Council members shall not represent the views or interests of the organisations that nominated them; instead, they shall perform their duties independently, to the best of their knowledge and in line with their conscience, in public interest and in accordance with this law.

Membership in the Council may be terminated only for the reasons and under the procedure provided for in this law.

No one has the right to influence the work of the Council members in any way, nor are they obliged to comply with anyone's instructions in relation to their work, except for decisions of the competent court rendered in the process of judicial review of the Council's operation.

Duration of the term of office

Article 17

Members of the Council shall be elected for a term of six years and may not be re-elected.

Termination of the members' term of office

Article 18

The term of office of Council members shall be terminated due to:

- 1) expiration of the period for which a Council member was elected;
- 2) death of a Council member;
- 3) dismissal for the reasons set forth in this law;
- 4) resignation tendered to the National Assembly in writing, in which case the term of office of the Council member shall be terminated on the date of submission of the member's resignation.

Termination of term of office due to dismissal

Article 19

The National Assembly may dismiss a member of the Council upon the proposal of at least 20 deputies of the Assembly if:

- 1) due to illness, based on the assessment of the relevant health care institution, the member is incapable of performing the duties of Council member for more than six months;
- 2) upon the submission of the nomination, the member is found to have given false data or failed to provide data on the circumstances referred to in Article 15 of this law;
- 3) any of the circumstances referred to in Article 15 of this law are found to have occurred during the term of office of the Council member;
- 4) without good reason, the member fails or refuses to perform the duty of Council member for a period of at least three consecutive months or for at least six months during a 12-month period;
- 5) the member is found to have been negligent and improper in their work or if there are reasons for considering the member unfit and if the member neglects his or her duties, which can cause major setbacks in the operation of the Regulator;
- 6) the member's actions jeopardise the reputation, autonomy and independence of the Regulator;

7) the member violates the provisions of the Council members' Code of Conduct at least three times over a period of 12 months.

Before making a decision on dismissal, the opinion of the Council on the existence of reasons for dismissal must be obtained, unless the procedure for dismissal of more than three members of the Council is conducted at the same time.

The decision on dismissal may be issued only on the basis of a reasoned proposal, after a procedure has been carried out to determine all relevant circumstances and in which the Council member concerned has been given the opportunity to give a statement about all the circumstances.

The reason for the dismissal of the Council member may not be a political or other belief or membership in a political party.

The decision to dismiss the Council member shall be considered passed if a majority of the total number of deputies of the Assembly voted in its favour.

Consequences of the termination of term of office

Article 20

If the term of office of the Council member is terminated before the expiry of the period for which the member was elected, the Council shall pass legally effective decisions in its incomplete composition until a new member is elected.

The term of office of a new member of the Council, elected to replace a member of the Council whose term of office was terminated before the expiry of the period for which the member was elected, shall last until the end of the term of office of the member who was replaced and this new member may be re-elected for the period referred to in Article 17 of this law, if he or she has served less than half the term of office of the replaced member.

The Council may not pass legally effective decisions if the number of the Council members is lower than six due to the termination of terms of office of certain members.

Suspension of Council member

Article 21

When a motion is filed for the dismissal of a Council member, the Council may decide, by a two-third majority vote of all members, that the member of the Council, against whom a motion is filed, be suspended from his or her office until the National Assembly passes a decision.

If criminal proceedings are instituted against a member of the Council, for which a sentence of at least six months of imprisonment is foreseen, the Council may pass a decision to suspend the Council member by a two-third majority vote of all the members until the conclusion of the criminal proceedings.

Manner of operation and decision making of the Council

Article 22

The Council shall pass decisions on all issues within the scope of work of the Regulator.

The operation of the Council shall be public.

The Council shall operate in a quorum consisting of at least five members.

The Council shall pass decisions by a majority vote of the total number of members, unless this law or Statute states that the decision shall be passed by a two-third majority vote.

The Council shall elect the President and Vice-President from among its members by a two-third majority of the total number of members.

The Director shall be entitled to participate in the Council sessions, without the decision-making right.

Status of Council members

Article 23

Members of the Council shall exercise the rights arising from the work with the Regulator.

For their work, members of the Council shall be entitled to monetary compensation in the amount of double the average monthly net wage in the Republic of Serbia.

The member of the Council shall be an official within the meaning of the regulations governing conflict of interest in the exercise of public office.

Director of the Regulator

Article 24

The Director shall decide on the rights, obligations and responsibilities of the employees of the Regulator, prepare and implement the decisions of the Council and perform other tasks provided for by the law and the Statute of the Regulator.

The Director shall be appointed by the Council, based on a conducted public competition.

The Director shall be appointed for a period of five years and may be additionally re-appointed twice.

For the duration of their term in office, the Director shall be employed with the Regulator.

Provisions of Articles 18 and 19 of this law shall apply accordingly to the termination of the term of office and dismissal of the Director.

The rights, obligations and duties of the Director shall be regulated in more detail by the Statute.

The Director shall be accountable for his or her work to the Council, to which the Director shall submit annual and interim activity and financial reports.

Requirements and procedure for the selection of the Director

Article 25

A person who, in addition to the general requirements, has at least ten years of work experience

in the field of the Regulator's scope of work shall be selected as the Director.

With regard to determining conflicts of interest, the provisions of Article 15 of this law shall apply accordingly to the Director.

The public competition for the selection of the Director shall be announced no later than three months before the expiry of the term of office of the Director or immediately after the termination of the term of office. The public competition advertisement shall be published in the Official Gazette of the Republic of Serbia and on the website of the Regulator.

Applications to participate in the competition shall be submitted to the Regulator within 30 days from the day of publishing the competition in the Official Gazette of the Republic of Serbia.

The Council shall, within 30 days from the expiry date referred to in paragraph 4 of this article, draw up a list of candidates who meet the requirements for selection and elect the Director by a majority vote.

The decision on the selection of the Director shall be submitted by the Council to all applicants to the public competition.

The candidate who has not been selected to the position of the Director may initiate an administrative dispute against the decision on the election of the Director.

Technical service

Article 26

For the performance of tasks under its jurisdiction, the Regulator shall provide the necessary technical, financial and human resources.

The Regulator shall have technical services for performing technical, administrative and logistical tasks.

Technical services shall be managed by the Director.

Employees in the technical services of the Regulator must not be members of the management or supervisory or management boards of media service providers, or employed with media service providers, media content producers or electronic communications operators, which could bring into question their impartiality in conducting proceedings under the jurisdiction of the Regulator.

Exceptionally, membership and participation in science and sports associations, societies and projects shall be permitted, provided that this does not impact their impartiality in performing their tasks.

Guidelines for the development of media services

Article 27

Having considered different needs of the population and social groups at the national, regional and local levels for information, education, cultural, sports and other content, in Serbian and languages of national minorities, in cooperation with the regulatory authority for electronic communications and the authority responsible for the protection of competition, the Regulator

shall set the guidelines for the development of radio media services, television media services and on-demand audiovisual media services in the Republic of Serbia for a period of five years.

The guidelines referred to in paragraph 1 of this article shall contain, in particular, an analysis of technical capabilities, an analysis of the market and needs of the population, and the types of service providers' media content.

In setting the guidelines referred to in paragraph 1 of this article, public consultations shall be conducted.

The Regulator shall, in cooperation with the authority responsible for competition protection, the authority responsible for electronic communications and the multiplex operator, conduct an analysis of media and related markets at the national, regional and local levels at least once every five years, with the aim of determining the number and types of free-to-air media services, for which new licences are granted.

The market analysis referred to in paragraph 4 of this article shall include the analysis of existing media content, the needs of the population for free-to-air media services, as well as the assessment of the impact of introducing new content and media services on the market.

The market analysis referred to in paragraph 4 of this article shall also take into account the following technical capabilities, namely:

- 1) total and effective radio frequency availability for terrestrial analogue transmission;
- 2) total and effective availability of capacity within the multiplex for the purposes of terrestrial digital transmission.

The market analysis report shall be published on the Regulator's website, and the Regulator shall conduct public consultations about the report.

The public consultations referred to in paragraph 7 of this article shall last for 30 days.

Upon the completion of public consultations, the Regulator shall approve the final Market Analysis Report.

Within 30 days from the date of approval of the Market Analysis Reports, the Regulator shall pass a decision determining the number and type of free-to-air media services for which new licences are to be granted.

Statute and other general enactments of the Regulator

Article 28

The Council shall adopt the Statute of the Regulator, Rules of Procedure of the Council, Code of Conduct for members of the Council, and other general enactments of the Regulator.

The enactments referred to in paragraph 1 of this article shall be adopted with a two-third majority of votes of the Council members.

The National Assembly shall approve the Statute of the Regulator.

The Statute of the Regulator shall in particular include provisions on:

- 1) the head office of the Regulator;

- 2) its internal organisation;
- 3) rights, obligations and duties of the Director in more detail;
- 4) manner of operation, decision-making and competences of the Regulator and
- 5) other issues in accordance with this law.

Rulebooks, instructions and recommendations

Article 29

The Regulator shall adopt rulebooks, instructions, recommendations and enactments on the implementation of regulations for the purpose of more efficient implementation of this law.

The Regulator shall adopt rulebooks to regulate in more detail the specific provisions of the law.

Instructions regulate the manner in which the Regulator implements the provisions of the law or other regulation relating to the obligations with respect to programme contents.

The Regulator shall issue a recommendation in the event there is inconsistent permitted practice of media service providers in the implementation of the provisions of this law relating to programme contents, if it is in the interest of media service users to introduce uniform practice in order to improve the manner of providing such services.

Recommendations shall not be binding on media service providers.

The Regulator shall issue in writing enactments on the implementation of regulations in the form of opinions, guidelines or explanations relating to the implementation of this law or other law within the Regulator's scope of work.

The Regulator shall adopt enactments on the implementation of regulations on its own initiative or at the request of a natural or legal person. The implementing enactment shall be submitted to the requesting party within 30 days of receipt of the request.

The law regulating inspection oversight shall apply accordingly to the legal effect of the issuance of the implementing enactment and acting in accordance with such an enactment.

Rulebooks and instructions shall be published in the Official Gazette of the Republic of Serbia and on the Regulator's website, and recommendations and implementing enactments on the Regulator's website.

Certain issues may, in accordance with the provisions of this law, be regulated through co-regulation or self-regulation, for the purpose of their uniform implementation in practice.

Cooperation with government and other authorities and organisations

Article 30

At the request of the competent government authority, the Regulator shall provide its opinion on the accession to international conventions and other agreements relating to the area of media service provision.

The Regulator shall cooperate with authorities and organisations responsible for the area of public information, electronic communication, competition protection, consumer protection, personal data protection, equality protection and other authorities and organisations on the issues of significance for the area of media service provision.

The Regulator shall cooperate with regulatory bodies of other countries in the area of media service provision, and the European Commission, as well as with relevant international organisations on matters within its jurisdiction.

The competent government authorities shall obtain the opinion of the Regulator in the preparation of regulations related to the area of electronic media.

3) Oversight and supervision

Oversight of operation of media service providers

Article 31

The Regulator shall, by direct examination of the conduct of media service providers, oversee the implementation of this law and the regulations adopted under this law, with the aim of ensuring the compliance of the conduct of media service providers through preventive action or by imposing measures or taking other actions provided for by this law, and preventing or eliminating violations of the law or harmful consequences for legally protected goods, in particular, freedom of expression, human dignity, truthful and complete information, media and political pluralism, the welfare of minors, public health, public security and the protection of interests of the public and media service users.

By overseeing the conduct of media service providers, the Regulator shall examine whether they meet the minimum requirements for media service provision, obligations foreseen by this law and regulations adopted under this law and the requirements under which they were granted a licence or approval for the provision of media services, which especially refers to the programme type and character.

If another law or regulation states that the Regulator shall oversee or supervise the operation of media service providers for the purpose of examining the implementation of that law or regulations, the provisions of this law that govern the oversight of conduct of media service providers, examination procedure and measures imposed if a violation of the law is established, shall apply.

Monitoring and analysis of the situation in the area of media service provision

Article 32

The Regulator shall collect and analyse data and monitor and analyse the situation in the area of media service provision through direct examination of individual or entire programme contents (programme monitoring), analysis of programme content, data, information and documentation obtained from media service providers, data obtained from public authorities, associations and institutions engaged in monitoring the situation in the area of media service provision, public opinion research, statistical and other data, collection and analysis of administrative, judicial and business practices in the area of media service provision.

Based on the established situation and the study of its consequences, the Regulator shall prepare a plan of oversight over the work of media service providers, and initiate the adoption of and amendments to laws and other regulations in the area of media service provision.

Oversight plan

Article 33

The Regulator shall prepare and adopt an oversight plan for the purpose of publicly determining to which programme contents, types of media services, issues or problems in the area of media service provision it will primarily direct its resources in a certain calendar year in order to oversee the conduct of media service providers and the objectives it seeks to achieve by carrying out such oversight.

The oversight plan shall be prepared and adopted based on the established state-of-play in the area of media service provision and assessment of the probability of occurrence of violations of laws and harmful consequences for legally protected goods that may arise from broadcasting certain programme contents, as well as the probable severity of those violations and consequences.

The oversight plan shall specify the type of programme content or format to be specifically overseen, provisions of the law or other regulations relating to which media service providers are overseen and objectives that the Regulator seeks to achieve in the oversight period expressed in measurable effects, as well as the manner of achieving the set objectives.

The Regulator shall include in the oversight plan for the year in which elections are held the oversight of compliance with the provisions of the law and other regulations governing the conduct of media service providers in connection with election campaigns, including the campaign of government officials, and the objectives in accordance with paragraph 3 of this article. If the elections are called after the adoption of the oversight plan, the Regulator shall amend the oversight plan for that year without delay, and not later than within ten days from the date of calling the elections, and shall include the said oversight and objectives related to it.

The Regulator shall adopt an oversight plan by 20 December of the current calendar year for the next calendar year.

The Regulator shall carry out public consultation procedure in preparation of the oversight plan in accordance with the provisions of this law governing the conducting of public consultations in the course of preparation of the general enactment, and shall publish the adopted oversight plan on its website.

Preventive action

Article 34

The Regulator shall conduct preventive activities and measures if the Regulator believes that preventive action could ensure the uniformity of conduct of media service providers in order to prevent the occurrence of violations of the law or other regulations, or if the Regulator assesses that the broadcasting of a certain type of programme content, programme format or programme type may result in a violation of law or other regulation.

Preventive action shall be carried out in particular: by publishing current regulations and oversight plans; by informing media service providers about amendments to regulations and their rights and obligations; by providing technical and advisory support; by issuing opinions, guidelines or explanations on the implementation of laws or other regulations.

Conducting oversight

Article 35

The Regulator shall conduct oversight on the basis of the oversight plan, complaints of natural or legal persons or if, based on available information, data or own insights, it assesses that this is appropriate in order to achieve compliance of media service providers with the law.

Oversight shall be carried out by continuously monitoring and analysing the programme content of media service providers, collecting and checking documentation, notices, data and recordings of programme content submitted, at the request of the Regulator, by media service providers, by collecting and verifying reports that media service providers are obliged to submit in accordance with the law, content of complaints of natural and legal persons, by examining the data from the registers and records maintained by the competent public authorities and the data and insights that the Regulator has obtained in another way.

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.

Initiating an examination procedure

Article 36

The Regulator shall initiate the procedure of examining violations of the law and other regulations (hereinafter: examination procedure) ex officio, when, based on the facts and circumstances determined through oversight, a complaint of a natural or legal person or other available data, the Regulator reasonably assumes that the media service provider has violated the law or other regulations.

A decision shall be issued on the initiation of the examination procedure, which shall be submitted to the media service provider against whom the procedure is initiated. The Regulator shall issue this decision no later than eight days of becoming aware of the facts and circumstances referred to in paragraph 1 of this article, and in case of a probable violation of the law or other regulations governing the conduct of media service providers in connection with election campaigns, within 48 hours of becoming aware of the above facts and circumstances.

The decision on the initiation of the procedure shall contain a description of the programme content, activities or other actions of the media service provider that may constitute a violation of the law and other regulations, legal grounds and reasons for initiating the proceedings and an invitation to the media service provider to give a statement about the facts and circumstances presented and reasons for initiating the procedure, as well as to submit evidence on which the media service provider's claims are based.

The deadline for the media service provider to give a statement shall be determined by the

Regulator in line with the nature and complexity of the subject of the examination procedure, but the deadline may not be shorter than three days or longer than 15 days of receipt of the decision.

Notwithstanding paragraph 4 of this article, in case of a probable violation of the law or other regulations governing the conduct of media service providers in connection with the election campaign, the deadline for giving a statement shall be set as 48 hours of receiving the decision on initiating the examination procedure.

Examination procedure

Article 37

In order to determine the facts properly, the Regulator shall take the necessary investigative actions in the course of the examination procedure in accordance with the law governing the general administrative procedure, in particular:

- 1) examining public documents and data from registers and records maintained by public authorities if necessary for conducting the examination procedure;
- 2) examining a personal or other public document with a photograph suitable for identifying the representative or authorised person of the media service provider, other employee or contracted staff in the media service provider or witness;
- 3) taking a written or oral statement of the representative, or authorised person of the media service provider and another employee or contracted staff in the media service provider or witness and inviting them to give statements on issues relevant to the examination procedure;
- 4) issuing instructions to submit, within a certain period of time, general and specific enactments, records, contracts and other documentation of the media service provider relevant to conducting the examination procedure.

The media service provider shall be entitled to give a statement in the examination procedure about the facts and evidence presented and take other actions in accordance with the law governing the general administrative procedure.

The Regulator shall determine, based on investigative actions in the examination procedure, whether the media service provider against which the procedure is conducted has violated the law and, if the violation was committed, the reasons and circumstances under which the violation of the law occurred.

If the Regulator establishes in the examination procedure the existence of a violation of the law, the Regulator shall pass a decision imposing against the media service provider the measures provided for in this law. Otherwise, the Regulator shall terminate the proceedings by issuing a decision.

The Regulator shall impose the measures provided for in this law while complying with the principles of impartiality and proportionality and regardless of the use of other legal remedies, which, in accordance with the provisions of another law, are available to the complainant whose rights or interests have been violated.

The operative part of the decision imposing the measure shall contain:

- 1) specification of the facts and circumstances constituting the action violating the law and other

regulations;

- 2) provisions of the law and other regulations that have been violated by the actions of the media service provider;
- 3) specification of the compliance measure being imposed;
- 4) specification of the measure for preventing and/or eliminating violations of the law and other regulations;
- 5) content, deadline and instruction for broadcasting the notice of imposing the measure in the provider's media service and the print media.

If the conduct of the media service provider, its representative, authorised person, employee or person contracted by the media service provider has the hallmarks of a violation punishable under the law, the Regulator shall submit a request for initiation of misdemeanour proceedings, a criminal report or initiate another procedure before the competent government authority against the media service provider and the stated persons.

The Regulator shall adopt and submit a decision closing the examination procedure within 60 days of the initiation of such procedure, and in the examination procedure conducted due to a violation of the law or other regulations governing the conduct of media service providers in connection with the election campaign, within 72 hours of the initiation of such procedure.

Consideration of complaints

Article 38

Natural and legal persons, including media service providers, shall be entitled to file complaints with the Regulator in relation to programme content of media service providers, if they believe that such content violates or jeopardises their personal interests or public interest, for the purpose of initiating an examination procedure against the media service provider.

The complaint referred to in paragraph 1 of this article may be filed within 30 days from the day of the first-run or repeat broadcasting of the disputed content.

The complaint shall have the effect of an initiative to launch an examination procedure, and the complainant shall not have the status of a party to the procedure that may be launched on the basis of such an initiative.

The complaint shall be considered revoked by the complainant if the complainant fails to rectify it within eight days of notice of the Regulator that the complaint is incomprehensible, incomplete or has other deficiencies that prevent the Regulator from acting upon it.

If, acting upon the complaint, the Regulator determines that the requirements for initiating the examination procedure ex officio have not been met, it shall notify the complainant thereof without delay, and no later than 30 days from the day of receipt of the complaint.

If, acting upon the complaint, the Regulator determines that the requirements for initiating the examination procedure ex officio have been met, it shall inform the complainant of the outcome of the initiated procedure no later than 15 days from the day of its completion.

If, acting upon the complaint, the Regulator determines that the requirements for initiating the examination procedure ex officio have been met, it shall forward the complaint, indicating the

rights or legal interests of the complainant being violated or jeopardised, to the media service provider with the decision on the initiation of the examination procedure.

Imposition of protection measures

Article 39

If, in the supervision procedure, the Regulator determines that the media service provider has breached an obligation envisaged by Articles 61–82 of this law or an obligation arising from the requirements set out in the licence or the approval for the provision of media services, in accordance with the requirements envisaged by this law, the Regulator shall impose against the media service provider one of the following protection measures:

- 1) reprimand,
- 2) warning,
- 3) temporary ban on broadcasting programme content or temporary ban on broadcasting advertising messages,
- 4) temporary revocation of licence or approval for the provision of media services, or
- 5) permanent revocation of the licence or approval for the provision of media services.

The Regulator may not impose against the public broadcaster a compliance measure referred to in paragraph 1, items 4) and 5) of this article.

A reprimand shall be issued against a media service provider if the provider commits a violation of the law that may not be qualified as a severe or particularly severe violation of the law.

A warning shall be issued against a media service provider that commits a severe violation of the law.

A temporary ban on broadcasting programme content or a temporary ban on broadcasting advertising messages and other forms of advertising shall be imposed against a media service provider that commits a particularly severe violation of the law.

A temporary ban on broadcasting programme content shall be imposed in relation to the part(s) of a programme the broadcasting of which constitutes a violation of the law, and shall also apply to the same type of programme contents regardless of any changes in title, time of broadcasting and other circumstances relevant to the recognisability of the content.

A temporary ban on broadcasting programme content shall be imposed for a period in days of up to 30 days from the day the decision on the imposition of the measure becomes final, particularly taking into account the frequency of broadcasting the parts of the programme content whose broadcasting constitutes a violation of the law.

A temporary ban on broadcasting advertising messages shall be imposed if it is impossible or ineffective to impose a temporary ban on broadcasting programme content, bearing in mind the nature and frequency of broadcasting programme content by which or within which a violation of the law has been committed.

A temporary ban on broadcasting advertising messages shall prohibit a media service provider from broadcasting advertising messages during one to eight days during the uninterrupted period

from 6 to 9 p.m. in television broadcasting, and the uninterrupted period from 7 to 10 a.m. in radio broadcasting. The manner of enforcing the ban on broadcasting advertising messages in the specified period by on-demand media services shall be determined by the Regulator in each particular case, taking into account the manner, appearance and form in which the media service is made available to the public.

When determining the duration of the ban on broadcasting advertising messages, in addition to the circumstances referred to in Article 40 of this law, the Regulator shall also take into account the price of advertising in the market where the media service provider operates at the time when the said measure is to be executed.

If the media service provider fails to act in accordance with the imposed measure of temporary ban on broadcasting programme content or the measure of temporary ban on broadcasting advertising messages, the Regulator shall pass a decision imposing against such provider a fine for non-compliance enforced through indirect means until the provider acts in accordance with the measure imposed. The fine shall be set within the range provided for by the law governing the general administrative procedure.

Conditions for imposing the protection measure

Article 40

When deciding on imposing the protection measure and its duration, in case of the measure referred to in Article 39, paragraph 1, item 5) of this law, the Regulator shall, in each individual case, pay attention to:

- 1) the nature, severity and duration of violation of the provisions of the law, taking into account the type and purpose of the programme content by which or within which the violation was committed;
- 2) existence of intent or lack of due care of the media service provider;
- 3) degree of jeopardising or violating the protected good and the severity of consequences of the violation of the law;
- 4) any action of the media service provider aimed at eliminating or extenuating the consequences of the violation of the law;
- 5) degree of cooperation of the media service provider aimed at eliminating the violation or consequences of the violation of the law;
- 6) previous cases of violation of the law, due to which the compliance measure was imposed against the media service provider, and
- 7) other aggravating and extenuating circumstances, including the financial benefit the media service provider has gained by violating the law.

The following actions shall always constitute a severe violation of the law:

- 1) violation of the obligations of the media service provider due to lack of due care in connection with broadcasting programme content that may harm the physical, moral or mental development of minors;
- 2) failure to obtain the consent of parents, guardians or adoptive parents to the participation of

minors in programme content;

- 3) failure, due to lack of due care, to protect the identity of a minor who is a perpetrator, witness or victim of violence, crime or other punishable behaviour;
- 4) violation, due to lack of due care, of obligations related to electoral campaigns;
- 5) deliberate violation of regulations governing advertising in the area of media service provision;
- 6) violation of the law that is the same or of the same type as the one for which, in the previous 12 months, the media service provider has already been issued a reprimand.

Broadcasting of programme contents the broadcasting of which is prohibited by law shall always constitute a particularly severe violation of the law, in particular:

- 1) content that promotes or supports violence, conduct designated by law as a criminal offence, misdemeanour or economic offence, or content that promotes and supports the abuse of narcotic drugs, including content that glorifies or justifies the conduct for which its perpetrator has been finally convicted before a national or international court;
- 2) content that exploits the credulity of viewers or listeners, within the meaning of the provision of Article 72, paragraph 3 of this law;
- 3) content that does not respect personal dignity, including the depiction of degrading treatment, scenes of violence and torture, within the meaning of Article 70, paragraph 2 of this law;
- 4) content containing information inciting, overtly or covertly, discrimination, hatred or violence against a group of persons or individuals due to race, skin colour, ancestry, nationality, ethnicity, language, religious or political beliefs, sex, gender identity, sexual orientation, financial standing, birth, genetic characteristics, health, disability, marital and family status, criminal record, age, appearance, membership in political, trade union and other organisations and other real or presumed personal characteristics, within the meaning of Article 71 of this law;
- 5) display of pornography, scenes of brutal violence and other programme content that may severely harm the physical, mental or moral development of minors, within the meaning of Article 65, paragraph 1 of this law;
- 6) broadcasting of content the broadcasting of which is prohibited by the provisions of Article 72 of this law.

The following actions shall also be deemed particularly severe violations of the law:

- 1) deliberate violation of the obligations of the media service provider in connection with broadcasting programme content that may harm the physical, moral or mental development of minors;
- 2) deliberate failure to protect the identity of a minor who is the perpetrator, witness or victim of violence, criminal offence or other punishable behaviour;
- 3) denigration of minors participating in the programme or to whom the information relates;
- 4) deliberate violation of obligations related to electoral campaigns;
- 5) deliberate violation of regulations governing the area of copyright and related rights;
- 6) failure to convey communications of public authorities of an urgent nature relating to the

threat to life, health, safety or property;

7) failure to comply with the conditions under which the licence was granted or the approval for the provision of media services regarding the type and character of the programme;

8) failure to submit, at the request of the Regulator, the necessary data, notifications, documentation and recording of the broadcast programme content necessary for conducting oversight or the examination procedure;

9) the same violation or a violation of the same type of the law for which, in the previous 12 months, the media service provider has already been issued a reprimand.

Measures to prevent and eliminate violations of the law and other regulations

Article 41

When imposing a compliance measure, the Regulator may also impose measures aimed at preventing the recurrence of the same or similar violation of the law and other regulations, or the elimination of the established violation, or the consequences of the violation, by ordering the media service provider to behave in a certain manner or prohibiting a certain behaviour.

The measure aimed at preventing a repeated violation of the law and other regulations shall be imposed if in the examination procedure it is determined that the violation was committed due to reasons which could be eliminated by such a measure.

Measures aimed at preventing a repeated violation of laws and other regulations in particular include ordering the following activities: adoption of a plan of compliance with the regulations governing the production or broadcasting of particular programme content or participation of a particular category of persons in programme content; adoption of a policy of risk management related to the production and broadcasting of a certain type of programme content; establishment and implementation of permanent internal control of programme content; adoption of an action plan or other enactment regulating compliance with regulations and risk management, etc.

The measure aimed at eliminating the violation or the consequences of violation of the law and other regulations shall be imposed if the examination procedure establishes that the violation continues at the time of decision-making or that the violation has caused consequences that must and can be eliminated (public apology, broadcasting true information, enabling the other party to give a statement, broadcasting the response from the other party).

If the media service provider fails to act upon the order included in one of the measures referred to in this article within the deadline set by the order, the Regulator shall pass a decision imposing a fine for non-compliance enforced through indirect means until it acts in accordance with the order. The fine shall be set within the range provided for by the law governing the general administrative procedure.

Revocation of the licence as a measure against media service providers violating their obligations

Article 42

The Regulator shall impose against the media service provider a measure of temporary

revocation of the licence or approval for the provision of media services, for a period of one to seven days, if the provider commits the same violation or a violation of the same type of the law, due to which the provider has previously been imposed twice a temporary ban on broadcasting programme content, or a temporary ban on broadcasting advertising messages.

The Regulator shall impose against the media service provider a measure of permanent revocation of the licence or approval for the provision of media services if the provider commits the same violation or a violation of the same type of the law, due to which the provider has previously been imposed a measure of temporary revocation of the licence or approval.

Record of imposed measures

Article 43

The imposed protection measure shall be entered in the Media Service Register.

The imposed reprimand shall be stricken from the Media Service Register after three years from the date of its imposition unless in that period the media service provider commits a violation of the law for which the provider was imposed a protection measure.

Other measures imposed shall not be stricken from the Media Service Register, and shall be taken into account if imposed in the period between the two competitions for granting the licence, in the procedures initiated after their imposition until the conclusion of the new competition.

Binding nature of decisions of the court or other competent authority

Article 44

In respect of a criminal offence, economic offence or misdemeanour, as well as liability for them, the Regulator shall be bound by the final decision of the court finding the accused guilty.

Ensuring the publicity of imposed measures

Article 45

The media service provider shall, at own expense, announce that the Regulator has imposed a measure against it, specifying "reprimand", "warning", or "temporary ban on broadcasting programme content" or "temporary ban on broadcasting advertising messages" in the form of the text provided by the Regulator in the provider's programme or media service in connection with which the measure was imposed, as well as in a print media distributed in the area for which the media service provider has a licence or approval.

The notice of imposing the measure shall be broadcast during the next two days following the receipt of the decision imposing the measure, between 6 a.m. and 9 p.m. on television, and between 7 a.m. and 10 a.m. on the radio. The manner and time of broadcasting the imposed measure within the on-demand media service shall be set by the Regulator by the decision imposing the measure.

If the media service provider does not broadcast the notice referred to in paragraph 1 of this article in its programme or within its on-demand media service or fails to do so in the manner provided for by the decision imposing the measure, the Regulator shall pass a decision imposing against the media service provider a fine for non-compliance enforced through indirect means until the provider fulfils the obligation from the decision. The fine shall be set within the range provided for by the law governing the general administrative procedure.

If the media service provider fails to publish the notice referred to in paragraph 1 of this article in the print media or fails to do so in the manner provided for by the decision imposing the measure, the Regulator shall do so at the expense of the media service provider.

4) Funding of the Regulator

Financial plan of the Regulator

Article 46

The Regulator shall be funded in accordance with the financial plan adopted by the Council for each year, no later than three months before the beginning of the fiscal year.

The financial plan shall set out the total income and expenses of the Regulator, contingency reserves, as well as the wage and employment plan.

The Regulator shall submit a draft financial plan to the National Assembly committee responsible for finance and media by the 1st of November of the current year for the following year.

The financial plan referred to in paragraph 1 of this article shall be approved by the National Assembly within 30 days from the date of submission of the draft financial plan.

If the financial plan referred to in paragraph 1 of this article is not adopted, or if the approval referred to in paragraph 4 of this article is not given, the previous year's financial plan shall be applied.

The financial plan shall be published on the website of the Regulator.

All income and expenses of the Regulator shall be subject to annual audit by an independent certified auditor and shall be published no later than three months after the end of the fiscal year on the website of the Regulator.

Excess income over expenses in a calendar year shall be paid into the budget of the Republic of Serbia.

If the difference between income and expenses is negative, the missing funds may be provided from the budget of the Republic of Serbia.

The provision of the missing funds shall not affect the independence of the Regulator.

Sources of funding of the Regulator

Article 47

Income of the Regulator shall be the proceeds from:

- 1) fees paid by media service providers for the right to provide media services, in accordance with the law.
- 2) fees for the provision of services under the jurisdiction of the Regulator.

Fee for exercising the right to provide media services

Article 48

The amount of fee for exercising the right to provide media services shall be determined based on the actual costs of regulation under the principle of proportionality, taking into account in particular the following:

- 1) population in the area in which the media service is provided, based on the official data of the authority responsible for statistics and data on the coverage area obtained from the independent regulatory authority responsible for electronic communications, and the number of users of media content distribution service;
- 2) type of electronic medium (radio, TV, other audiovisual media services and other);
- 3) manner of media service provision (linear or on-demand);
- 4) type of media service by content (general media service, specialised media service);
- 5) type of procedure in which the licence is granted;
- 6) programme concept of the service provider, and the origin and type of content provided, as follows:
 - (1) share of science and educational, cultural and artistic, children's or own news and documentary programme content in the overall programme;
 - (2) share of programme content of own production or programme content of independent production with the content under sub-item (1) of this item, above the quota set by this law;
 - (3) share of programme content in minority languages;
 - (4) share of programme content adapted to persons with disability, especially persons with visual and hearing impairments.

The amount of fee referred to in paragraph 1 of this article shall be determined on an annual basis, and the media service provider shall make monthly payments to the Regulator in the amount of 1/12 of the determined annual fee, except when the licence is granted.

The Regulator shall regulate in more detail in the by-laws the amount, change in the amount and the manner of calculating the fee for the provision of media service, while taking into account the criteria referred to in paragraph 1 of this article.

The Regulator may amend the amount of fee during the granted licence term in accordance with the enactment referred to in paragraph 3 of this article.

The Regulator shall initiate before the competent court the procedure of enforced settlement of claims against the media service provider that fails to honour the obligation to pay the fee for the provision of media service even within the appropriate extended deadline.

The Regulator shall be entitled to calculate interest on the amount of unpaid fee due for the provision of media service in accordance with the law governing penalty interest.

Fee for the provision of services under the jurisdiction of the Regulator

Article 49

The amount of fee for the provision of services under the jurisdiction of the Regulator shall be determined according to the type of service provided by the Regulator in accordance with this law: granting, extending or modifying the licence and/or approval, granting consent to the transfer of the licence or status change of the licence holder, issuing the enactment on the implementation of regulations and other services, taking into account the costs of the Regulator for the provision of such services.

The Regulator shall regulate in more detail by a by-law the amount, change in the amount and manner of calculating the fee for the provision of services under the jurisdiction of the Regulator, taking into account the criteria referred to in paragraph 1 of this article.

Article 50

The public broadcaster and the civil sector media service provider shall be exempt from the obligation to pay the fee for the provision of media services in accordance with the regulations on the allocation of state aid.

5) Publicity of operation of the Regulator and judicial review

Publicity of operation

Article 51

In its operation, the Regulator shall act transparently, respect the demands of the public and be accountable to the public for its actions.

In accordance with the law governing free access to information of public importance, the Regulator shall prepare and publish the Information Booklet on its operation and make publicly available, on its website, free of charge, the enactments issued, as well as other complete and up-to-date data and information within its scope of work, in particular:

- 1) guidelines for the development of media services in the Republic of Serbia and the market analysis report;
- 2) regulations for the implementation of this law and other general enactments of the Regulator;
- 3) public competitions for granting licences;
- 4) decisions passed relating to public competitions, with rationale;
- 5) data from the register and records;
- 6) judgements in administrative disputes initiated against the Regulator's decisions;
- 7) decisions imposing measures in accordance with this law, with rationale;

- 8) annual report of the Regulator;
- 9) financial plan, financial reports and certified auditor's reports;
- 10) decisions on complaints of natural and legal persons;
- 11) expert opinions, studies and analyses commissioned for the purposes of the Regulator;
- 12) invitation and agenda of public consultations, and reports on public consultations conducted;
- 13) minutes of sessions of the Regulator's Council;
- 14) oversight plan.

Annual report of the Regulator

Article 52

The Council shall submit to the National Assembly an annual activity report of the Regulator, which shall contain in particular:

- 1) data on completed tasks under the jurisdiction of the Regulator in the previous calendar year;
- 2) financial plan, financial reports and certified auditor's report;
- 3) report on the decisions related to the complaints of natural and legal persons;
- 4) other data in connection with the implementation of the law.

The activity report of the Regulator for the previous calendar year shall be submitted by the end of the first quarter of the current year.

The Regulator shall also submit, at the request of the National Assembly, a report on its activities for a period of less than a year, not later than 30 days from the date of receipt of such request.

Public consultation

Article 53

The Regulator shall conduct a public consultation in the course of preparation of a general enactment.

The public consultation shall begin on the day of publication of the draft general enactment on the website of the Regulator and shall last at least 15 days.

The Regulator shall publish a public consultation agenda on its website and e-Government portal at least seven days prior to the public consultation.

The public consultation agenda shall include at least the following:

- 1) date of publication of the draft general enactment;
- 2) date of closing of the public consultation;
- 3) schedule of the public consultation and, in particular, the date, time and venue;
- 4) date of publication of the final text of the general enactment.

The Regulator shall enable insight into the current and completed public consultations in a separate section that is dedicated to public consultations on its website.

Application of general administrative procedure rules

Article 54

In proceedings before the Regulator, the provisions of the law governing general administrative procedure shall be applied, unless provided for otherwise by this law.

Judicial review

Article 55

An administrative dispute may be initiated against the final decision of the Regulator within 30 days of its delivery.

In an administrative dispute initiated based on a complaint against a decision made in the procedure for granting the licence for the provision of media services, imposing measures or revoking the licence, the court may not decide independently on the administrative matter by means of a court decision (unlimited jurisdiction dispute).

Any administrative dispute referred to in paragraph 1 of this article shall be considered urgent.

III. GENERAL PROVISIONS ON MEDIA SERVICES

Media services by method of delivery and content

Article 56

According to the method of delivery, media services may be:

- 1) linear media services;
- 2) on-demand media services.

According to their content, media services may be:

- 1) general media services, which include several different media contents (e.g. news and current affairs, educational, cultural, science, sports, entertainment and other programme content);
- 2) specialised media services, which fully include the same type of programme content (news and current affairs, educational, cultural, science, sports, entertainment and other programme content);
- 3) entirely devoted to teleshopping or self-promotion.

Types of media service providers

Article 57

Media services are provided by:

- 1) public broadcasters in accordance with the law governing the operation of public broadcasters;
- 2) commercial media service providers,
- 3) civil sector media service providers.

Providers referred to in paragraph 1 of this article shall provide media services in the territory of the entire Republic of Serbia, or its part.

Media service providers under the jurisdiction of the Republic of Serbia

Article 58

The media service provider that is under the jurisdiction of the Republic of Serbia shall comply with the regulations that apply to media services in the Republic of Serbia.

A media service provider is under the jurisdiction of the Republic of Serbia if it:

- 1) is set up in the Republic of Serbia;
- 2) is not set up in the Republic of Serbia, but it:
 - (1) uses a terrestrial satellite transmission station that is located in the Republic of Serbia, or
 - (2) uses satellite capacity belonging to the Republic of Serbia.

The media service provider shall be deemed to be set up in the Republic of Serbia if one of the following conditions is met:

- 1) the media service provider has a head office in the Republic of Serbia where editorial decisions about media services are taken;
- 2) the media service provider has a head office in the Republic of Serbia, and its editorial decisions about media services are taken in another member state of the European Union, or vice versa, and a significant part of the workforce works in the Republic of Serbia (under employment contract or otherwise) and engages in activities related to the programme content the broadcasting of which constitutes the media service;
- 3) if, in the case referred to in item 2) of this paragraph, a significant part of the workforce engaged in activities related to programme content the broadcasting of which constitutes the media service works both in the Republic of Serbia and in that other member state of the European Union, and the media service provider has a head office in the Republic of Serbia;
- 4) if, in the case referred to in item 2) of this paragraph, a significant part of the workforce engaged in activities related to programme content the broadcasting of which constitutes the media service does not work in the Republic of Serbia or in that other member state of the European Union, and the media service provider, in accordance with the law, first began in the Republic of Serbia its activity of media service provision in relation to which jurisdiction is being established and maintains a stable and effective link with the Serbian economy;
- 5) the media service provider has a head office in the Republic of Serbia, and its editorial decisions about media services are taken in a country that is not a member state of the European Union, or vice versa; under the condition that a significant part of the workforce, engaged under the employment contract or otherwise and engaged in activities related to media services, works in the Republic of Serbia.

If, according to paragraphs 2 and 3 of this article, it cannot be determined whether the media service provider is under the jurisdiction of the Republic of Serbia or another member state of the European Union, the media service provider shall be deemed to be under the jurisdiction of the Republic of Serbia if it was set up in it within the meaning of Articles 56-58 of the Stabilisation and Association Agreement concluded between the European Communities and their member states, on one hand, and the Republic of Serbia, on the other.

The media service provider shall notify the Regulator of any change that may affect the determination of jurisdiction in accordance with paragraphs 2–4 in writing no later than 15 days before the activity or other event which may be relevant for the determination of jurisdiction.

If in the procedure of determining jurisdiction it cannot be determined whether the jurisdiction over a particular audiovisual media service belongs to the Republic of Serbia or to another member state of the European Union, the Regulator shall notify the European Commission thereof without delay.

If, applying Articles 59 and 60 of this law, the Republic of Serbia fails to agree with another EU member state on who has jurisdiction, the Regulator shall inform the European Commission thereof without delay.

The Regulator shall prepare, maintain and regularly update the list of audiovisual media service providers under the jurisdiction of the Republic of Serbia and submit the list and any updates thereof to the European Commission. The list shall contain: the name of audiovisual media service; registered or business name, head office, registration number and tax identification number of the legal or natural person providing the service; type of audiovisual media service in accordance with Article 56 of this law, the criterion referred to in paragraphs 2–4 of this article on which the jurisdiction of the Republic of Serbia is based.

If there is a need to determine whether the jurisdiction over the media service belongs to the Republic of Serbia or to a party to the European Convention on Transfrontier Television, but not the European Union, the provisions of the said convention on the determination of jurisdiction shall apply.

Freedom of reception and retransmission

Article 59

The Republic of Serbia shall guarantee the freedom to receive and retransmit media services from the member states of the European Union and other parties to the European Convention on Transfrontier Television or other ratified international treaties.

The Regulator shall temporarily limit the freedom to receive and retransmit audiovisual media services from a member state of the European Union, which manifestly, severely and gravely violate the provisions of Article 65, paragraphs 1 and 2 of this law, which incite violence or hatred against a group of persons or an individual based on a personal characteristic referred to in article 71 of this law or which threatens or there is a severe risk that it may threaten public health, if:

- 1) such a violation has already been committed at least twice in the previous 12 months;
- 2) the Regulator has notified in writing the media service provider, the state that has jurisdiction

over such media service provider and the European Commission of alleged violations and proportionate measures that it intends to take if such a violation is repeated;

3) the media service provider is allowed to give a statement within a reasonable time and submit evidence regarding the facts and circumstances established by the Regulator in connection with the alleged violation;

4) in consultation with the member state that has jurisdiction over such media service provider and the European Commission, no negotiated solution has been reached within one month of receiving the notice referred to in item 2) of this paragraph.

The Regulator shall temporarily restrict the freedom to receive and retransmit audiovisual media service from a member state of the European Union, which manifestly, severely and gravely violates the provision of Article 72, paragraph 1 of this law or there is a severe risk that public security may be threatened, including the country's security and defence, if:

1) such a violation has already been committed at least once in the previous 12 months;

2) the Regulator has notified in writing the media service provider, the state that has jurisdiction over such media service provider and the European Commission of alleged violations and proportionate measures that it intends to take if such a violation is repeated;

3) the media service provider is allowed, within a reasonable time, to give a statement about the facts and circumstances established by the Regulator in connection with the alleged violation, and submit evidence.

Exceptionally in emergencies, the Regulator may deviate from the requirements set out in paragraph 3, items 1) and 2) of this article within one month of the alleged violation, if it notifies without delay the European Commission and the state that has jurisdiction over such media service provider about the measures taken and the reasons for which it considers that there is a need for urgent action.

The Regulator shall immediately terminate the measure temporarily restricting the freedom to receive and retransmit audiovisual media services, if the European Commission determines that such a measure is not in accordance with the European Union law.

The Regulator may temporarily restrict the freedom to receive and retransmit audiovisual media services, over which a state that is a party to the European Convention on Transfrontier Television, but not a member of the European Union, has jurisdiction, by applying the provisions of the said convention.

The operator shall act in accordance with the decision of the Regulator and terminate the distribution of the audiovisual service for which the freedom to receive and retransmit is restricted.

The application of the provisions of this article shall not prejudice the authority of the Regulator to file a request for the initiation of misdemeanour proceedings, criminal charges or initiate other proceedings before the competent government authority against the media service provider, its representative, authorised person, employee or contracted staff in the media service provider, if it assesses that the conduct of the media service provider has the hallmarks of an act punishable under the law.

Article 60

If the Republic of Serbia adopts, in public interest, more exhaustive or stricter rules on issues subject to harmonisation with the EU Audiovisual Media Services Directive, and the Regulator assesses that the media service provider under the jurisdiction of another EU member state provides an audiovisual media service that is fully or predominantly directed toward the public in the Republic of Serbia, it may request from the EU member state which has the jurisdiction to take appropriate measures to ensure compliance with the rules of the Republic of Serbia.

The Regulator shall, without delay, inform the European Commission if the Republic of Serbia adopts more exhaustive or stricter rules on issues subject to harmonisation with the EU Audiovisual Media Services Directive.

The Regulator may impose objectively necessary, proportionate and non-discriminatory measures against the media service provider referred to in paragraph 1 of this article:

- 1) if it assesses that the results achieved by the activities of the EU member state that has jurisdiction are not satisfactory and
- 2) if it reasonably determines that the said media service provider is set up or established in another EU member state that has jurisdiction in order to avoid the implementation of the stricter rules referred to in paragraph 1 of this article, which would apply to it if it were under the jurisdiction of the Republic of Serbia. The evidence obtained must enable reasonable establishment of the existence of avoidance of stricter rules, but it is not necessary to prove the intent of the media service provider to avoid the application of stricter rules.

The Regulator may take measures in accordance with paragraph 2 of this article only if:

- 1) it informed the European Commission and the member state of the EU which has jurisdiction of its intention to take measures and of the established facts and circumstances on which it bases its assessment;
- 2) the media service provider is given an opportunity to give a statement, within a reasonable time, about the facts and circumstances established by the Regulator and the measures it intends to take;
- 3) the European Commission has decided that the measures are in line with European Union law, and in particular that the facts and circumstances on the basis of which the Regulator intends to take measures have been reasonably established in accordance with paragraphs 1 and 2 of this article.

IV. OBLIGATIONS OF MEDIA SERVICE PROVIDERS

General obligations of media service providers in relation to programme contents

Article 61

In relation to its programme content and in accordance with its programme concept, the media service provider shall:

- 1) provide free, true, objective, complete and timely information;
- 2) transmit urgent communications of public authorities relating to the endangerment of life, health, security or property;

- 3) contribute to raising the general cultural and educational level of citizens;
- 4) provide a variety of content in terms of opportunities for free expression, political and critical thinking, as well as within the type and character of the programmes;
- 5) dub foreign programme contents intended for preschool children into the Serbian language or languages of national minorities;
- 6) organise prize competitions fairly, announcing clear rules on such content and publicly promised prize;
- 7) provide quality programme in terms of content, from a technical point of view, applying international and national standards.

All media service providers shall preserve programme content in accordance with the regulations governing public information and in accordance with the regulations governing the protection of cultural goods.

Obligations of media service providers in relation to election campaigns

Article 62

The media service provider shall:

- 1) comply with the ban on political advertising outside the election campaign;
- 2) before the start of the election campaign, publish tariffs for political advertising, if it chooses to broadcast this type of advertising during the campaign;
- 3) during the election campaign, ensure that registered political parties, coalitions and candidates are represented without discrimination in the pre-election programme;

The media service provider shall label clearly the pre-election programme.

Covert broadcasting of pre-election programme in the form of news and current affairs, entertainment or other type of programme is prohibited.

The media service provider shall present the following information to the public when publishing the results of public opinion polls:

- 1) name of a political party, other organisation or name of the person who commissioned and paid for conducting the public opinion poll;
- 2) name of the organisation that conducted the poll and the selected work methodology;
- 3) number of respondents and the probability of error in the given survey;
- 4) date and/or period when the poll was conducted.

Media service providers shall be free to decide on all other issues concerning the manner in which the poll will be presented.

The criteria based on which the price of political advertising is determined and payment terms must apply to all candidates in the elections and all nominators of registered electoral lists and nominators of registered candidates, and must be published.

Thirty days before the voting day, the media may not report on official public events at which

infrastructure and other facilities are unveiled (roads, bridges, schools, hospitals, factories, etc.), or the beginning of construction of such facilities is marked, if public officials who are candidates for the President of the Republic, deputies of the National Assembly, deputies of the Assembly of the Autonomous Province and councillors in the assemblies of local self-government units participate in such events.

Specific technical obligations

Article 63

The commercial media service provider licenced to provide radio media services by means of terrestrial analogue transmission, must provide quality reception of radio analogue signal to at least 60% of the population in the coverage area.

The media service provider may not use subliminal messaging techniques.

Media services shall be provided in a manner that ensures a uniform sound level of all programme content, especially audiovisual commercial communication in relation to other programme content.

General provisions for the protection of minors

Article 64

The media service provider shall take all necessary measures so that its programme content does not harm the physical, mental or moral development of minors (hereinafter: development of minors).

The media service provider shall be guided by the best interest of minors in determining the time or other manner of broadcasting programme content that may harm the development of minors, in the participation of minors in the programme content, as well as in the broadcasting of information directly or indirectly related a minor and a minor's private and family life.

Programme content that may harm the development of minors

Article 65

It is forbidden to display pornography, scenes of brutal violence and other programme content that may severely harm the development of minors.

Notwithstanding paragraph 1 of this article, pornography may only be made available to the public if it is broadcast through a media service with conditional access, accessed through a personal identification number (user electronic authorisation code) or by using other technical measures to ensure that a minor will not hear or see such content in regular circumstances.

If it broadcasts programme content that may harm the development of minors, the media service provider shall, at the time of its broadcasting, use technical measures intended for age verification or other technical measures to ensure that, in regular circumstances, minors will not hear or see such content.

In linear media services, programme content unsuitable for:

- 1) minors under the age of 12 may be broadcast only in the period from 9 p.m. to 6 a.m.;
- 2) minors under the age of 15 may be broadcast only in the period from 10 p.m. to 6.00 a.m.;
- 3) all minors under the age of 18 may only be broadcast in the period from 11 p.m. to 6.00 a.m.

In non-linear media services, programme content unsuitable for all minors under the age of 18 may be made available only within a separate section of the catalogue or in a separate catalogue with the application of appropriate technical measures ensuring that minors will not hear or see such content in regular circumstances.

The media service provider shall clearly label the programme content that may harm the development of minors using appropriate text or voice notices and graphic labels and symbols. The labelling is done for the purpose of notifying the media service user about the age for which the content is unsuitable and describing its potential harmful nature.

The provisions of paragraphs 1–6 of this article shall apply accordingly to programme reruns, as well as to the advertising of programme content that may harm the development of minors, as well as to their labelling within electronic programme guides.

The media service provider shall process the personal data of minors, obtained using technical measures provided for in this article, in accordance with the regulations governing personal data protection. In particular, they may not be processed for commercial purposes, such as direct advertising, profile creation and targeted behavioural advertising.

The Regulator shall encourage the establishment, maintenance and development of a co-regulation mechanism for the purpose of consistent, uniform and lawful use of the system of categorisation of programme contents that may harm minors and the system of their labelling and description of their possible harmful nature.

Participation of minors in programme content

Article 66

The participation of minors in programme content requires their consent and consent of their parent, guardian or adoptive parent (hereinafter: legal representative).

The media service provider shall present to the minor and the legal representative, in a timely, clear, truthful and complete manner, all facts that are of importance for granting consent for participation in the programme.

The consent of the minor and the legal representative shall not preclude the responsibility of the media service provider for the broadcast programme content.

When minors participate in programme content, their personal dignity must be respected, and the nature of programme content and the manner of their participation must be adapted to their age, maturity, reason for participation and the attitude of the minor towards such reason for participation.

It is forbidden to use the participation of minors in programme content for political purposes or to abuse it.

Broadcasting programme content related to minors

Article 67

The media service provider shall protect the identity of minors when broadcasting information, if there are indications that or if the minor is the offender, witness or victim of violence, criminal offence or other punishable behaviour or if the minor has attempted or committed suicide.

The media service provider may not disclose information relating to the private or family life of a minor if this would result in a violation of the minor's interests and dignity.

It is forbidden to broadcast programme content aimed at determining the identity of minors' parents (e.g. disputing or establishing parenthood), regardless of whether they are under parental care.

It is forbidden to broadcast programme content discussing granting custody of a minor to one or the other parent or the justification of placing the minor in a foster family or putting the minor up for adoption.

Article 68

More detailed rules for compliance with the obligations regarding the protection of minors and human dignity in connection with broadcasting reality programmes and other inappropriate content shall be regulated by a by-law of the Regulator.

Obligation to identify

Article 69

The obligation to identify the media service provider shall be subject to the law governing public information and media.

Obligation to respect human rights

Article 70

Media services shall be provided in a manner that respects human rights and especially personal dignity.

The Regulator shall ensure that all programme content respects personal dignity and human rights, and shall especially ensure that there is no broadcasting of content showing degrading treatment, or scenes of violence and torture, unless there is programme and artistic justification.

Prohibition of hate speech

Article 71

The Regulator shall ensure that the programme content of the media service provider does not contain information which overtly or covertly incites discrimination, hatred or violence based on race, skin colour, ancestry, nationality, ethnicity, language, religion or political beliefs, sex, gender identity, sexual orientation, financial standing, birth, genetic characteristics, health,

disability, marital and family status, criminal record, age, appearance, membership in political, trade union and other organisations, and other actual or presumed personal characteristics.

Ban on broadcasting certain programme contents

Article 72

The Regulator shall ensure that the programme content of the media service provider does not contain information inciting, overtly or covertly, terrorism.

The Regulator shall ensure that media service providers do not broadcast programme content that reports on violence in a sensationalist, simplistic and unethical manner (mass violence, domestic violence, suicide).

The Regulator shall ensure that media service providers do not broadcast pornographic content created by the exploitation of minors, nor programme content that promotes or advertises prostitution.

The Regulator shall ensure that media service providers do not broadcast programme content that supports drug addiction, violence, criminal or other illicit behaviour, or content that abuses the credulity of viewers or listeners.

The Regulator shall ensure that media service providers do not broadcast programme content whose production involved killing animals, their abuse or incitement to aggression and unnatural behaviour.

The measures taken by the Regulator in order to meet the obligations referred to in this article must be proportionate and respect the human and minority rights stipulated by the Constitution of the Republic of Serbia and international standards of human and minority rights, as well as the practice of international institutions overseeing their implementation.

Protection of the rights of persons with disabilities

Article 73

The media service provider shall, in accordance with its financial and technical capabilities, make its programmes and content accessible to persons with hearing and visual impairments and constantly work on the inclusion of the Serbian sign language, open and closed captions and sound description.

The media service provider shall in particular ensure that the persons referred to in paragraph 1 of this article are provided urgent information of importance to life and health.

The Regulator shall encourage media service providers to make their content accessible to persons referred to in paragraph 1 of this article.

Media service providers shall, once a year and no later than 1 September, report to the Regulator on the measures taken which are referred to in paragraph 1 of this article.

The Regulator shall be the contact point for providing information and receiving complaints regarding all accessibility issues referred to in this article.

Protection of copyright and related rights

Article 74

The Regulator shall ensure that all media service providers comply with the regulations on copyright and related rights.

Responsibility for programme content

Article 75

The media service provider shall be responsible for programme content, regardless of whether it is produced by the provider or other person (e.g. an independent production company, purchased time slot, programme exchange, programme announcements, text messages and other messages from the audience, etc.).

Article 76

The provisions of Articles 61-75 of this law shall apply accordingly to teletext and interactive services related to programme content.

European audiovisual works

Article 77

The media service provider shall ensure that European audiovisual works participate with more than 50% in the overall annual broadcast programme, half of which must be Serbian audiovisual works, in which first-run and first repeat broadcasting of Serbian audiovisual works are included, if they meet the requirements of this article.

When determining the total share of European audiovisual works in the programme of a particular television media service provider, the annual broadcast programme shall not include news broadcasts, sports event broadcasts, shows dedicated to prize games, advertising, teleshopping and teletext services.

The on-demand audiovisual media service provider shall provide at least a 30% share of European audiovisual works in its catalogue in each calendar year, half of which must be Serbian audiovisual works. The 30% share shall be calculated based on the number of works in the catalogue, with one season of a television series representing one work.

The on-demand media service provider shall ensure, in an appropriate manner, the special prominence of the works referred to in paragraph 3 of this article in its catalogue by presenting these works in an attractive and accessible manner, in particular by means of:

- 1) a separate section dedicated to European audiovisual works on the homepage of the service;
- 2) providing the possibility of searching European audiovisual works in the search tool available within the service;
- 3) promoting European audiovisual works within service campaigns;
- 4) recommending content that the on-demand media service provider offers to its users.

The provisions of this article shall not apply to on-demand media service providers classified as micro legal entities or if it is impossible or unreasonable to apply the obligation given the nature of the on-demand media service.

Mandatory share of Serbian musical works

Article 78

Media service providers shall ensure that Serbian musical works account for at least 25% of their daily musical programme broadcasting.

European audiovisual works of independent producers

Article 79

The television media service provider shall ensure that European audiovisual works of independent producers account for at least 10% of the overall annual broadcast programme.

European audiovisual works older than five years may account for not more than half of the share referred to in paragraph 1 of this article.

In determining the total share of European audiovisual works of independent producers in the programme of a certain television media service provider, the annual broadcast programme shall not include news broadcasts, sports event broadcasts, shows dedicated to prize games, advertising, teleshopping and teletext services.

Provision of media services in own language

Article 80

The media service provider shall broadcast programme content in the Serbian language, or ensure that the programme content produced in foreign languages is broadcast with translation into the Serbian language.

The obligation referred to in paragraph 1 of this article shall not apply to the media service providers that broadcast programme content intended for national minorities, or to those programme contents of public broadcasters that meets the needs of national minorities for information in their own language.

The obligation referred to in paragraph 1 of this article shall not apply to foreign musical content, except for television broadcasting of musical stage works.

The Regulator may, exceptionally, allow a media service provider to broadcast certain programme content in other languages as well, in case of justified programme reasons.

Own production

Article 81

The media service provider shall ensure that its own production accounts for at least 25% of its annual broadcast programme.

Own production referred to in paragraph 1 of this article shall be deemed to include also co-productions, unless they are included in the independent production quota.

The media service provider whose programme content is intended for national minorities shall ensure that at least 25% of overall annual time of programme content broadcast in the national minority language is the provider's own production.

The share of own production referred to in paragraphs 1 and 3 of this article shall include the first-run and the first repeat broadcasting of own production programme content.

Own production shall include programme content that consists of original audio or video material, and/or where the original share exceeds 50% in television programme and 20% in radio programme.

The overall annual time of broadcast programme content, for purposes of calculating programme quotas specified in this law, shall not include TV games, advertising, teleshopping or news and sports broadcasts, except in the case of own news production and sports broadcasts.

Access to most important events

Article 82

The television media service provider under the jurisdiction of the Republic of Serbia may not broadcast, on an exclusive basis, events which are on the list of most important events of particular importance for all citizens, in such a way as to deprive a substantial proportion of the public in the Republic of Serbia, EU member state or party to an international treaty binding on the Republic of Serbia, of the possibility of viewing such events.

The Regulator shall draw up, on a timely basis and in a clear and transparent manner, a list of most important events, national or non-national, referred to in paragraph 1 of this article, which are of particular importance for all citizens (cultural, political, sports, entertainment, etc.) and for which the exclusive broadcasting right may be exercised only by the free-to-air television media service provider whose coverage area covers the entire territory of the Republic of Serbia, of which the Regulator shall inform the European Commission.

If no television media service providers referred to in paragraph 2 of this article are interested in broadcasting the event of particular importance, they shall, no later than 15 days before the day of broadcasting the event referred to in paragraph 1 of this article, notify the Regulator accordingly, and, upon receiving such notice, the Regulator shall publish it without delay.

In the case referred to in the previous paragraph of this article, the broadcasting right may be exercised by any other television media service provider in the manner provided for in paragraph 1 of this article, with the consent of the Regulator.

The contract on broadcasting the event of particular importance which was concluded contrary to the requirements set out in paragraphs 2, 3 and 4 of this article shall be null and void.

The Regulator shall determine which events referred to in paragraph 1 of this article should be available in their entirety or partially by means of live broadcast and which in their entirety or

partially by means of delayed broadcast, where necessary for objective reasons or due to public interest.

The television media service provider which holds the exclusive right to broadcasting the event of major interest to the public, shall allow and enable any interested television media service provider, without discrimination and under equal terms, to freely select, retrieve and broadcast short segments from such event, up to 90 seconds in duration, citing the source of video and audio, and for a fee that shall not exceed the actual costs.

If the television media service provider which holds the exclusive right to broadcasting the event of major interest to the public and the television media service provider seeking access are set up in the territory of the Republic of Serbia, access shall be sought directly from the television media service provider.

The selected short segment shall be used solely for general news programmes, and may be used in on-demand audiovisual media services only if such programme is offered on a delayed basis by the same television media service provider.

The Regulator shall prescribe in more detail the manner of drawing up the list of most important events of particular importance for all citizens referred to in paragraph 1 of this article and the manner of exercising the right of access to major events referred to in paragraph 7 of this article.

If the holder of exclusive rights to the events referred to in paragraph 1 of this article is a media service provider that is not under the jurisdiction of the Republic of Serbia, and such holder, without a justified reason, refuses to conclude a contract on broadcasting such events with the service provider referred to in paragraph 2 of this article, the Regulator shall inform thereof the competent foreign regulatory authority without delay, as well as the organisation that is the holder of the transferred rights to broadcasting the event from the list referred to in paragraph 2 of this article.

Article 83

The Regulator shall adopt the general bylaws which set out detailed rules for discharging the obligations set forth in Articles 61-82 of this law.

Civil sector audiovisual media services

Article 84

Civil sector media services are provided in order to meet the specific interests of different social groups (national minorities, youth, the elderly, persons with disabilities, etc.) and civic organisations, on a not-for-profit basis.

The media service provider referred to in paragraph 1 of this article may be an association, endowment, foundation, higher education institution, church and religious community.

The content of programmes produced by the media service provider referred to in paragraph 1 of this article must be related to the area of activity of the media service provider referred to in paragraph 2 of this article.

The media service referred to in paragraph 1 of this article may be provided within a local or regional coverage area, in accordance with the provisions of this law.

The provisions of the law governing the obligations of the public broadcaster in achieving public interest shall apply accordingly to the media services referred to in paragraph 1 of this article.

The licence for the provision of the media service referred to in paragraph 1 of this article shall be granted free of obligation to pay the fee.

Funding for the media service referred to in paragraph 1 of this article may be provided from public funds earmarked for project co-financing, as well as from donations, contributions of citizens, sponsorship and other funding sources, in accordance with a separate law.

V. AUTHORISATION TO PROVIDE MEDIA SERVICES

Article 85

Authorisation to provide media services shall be held by the media service provider that provides media services:

- 1) without previously obtaining approval, or licence, in accordance with this law;
- 2) on the basis of approval;
- 3) on the basis of licence.

Providing media services without obtaining approval or licence

Article 86

Media services shall be provided without prior approval or licence by:

- 1) the public broadcaster that is entitled to provide media services in accordance with the law governing the operation of public broadcasters and directly based on it;
- 2) the media service provider providing media services in accordance with the freedom of reception and the freedom of retransmission as set out in Article 59, paragraph 1 of this law.

The media service provider referred to in paragraph 1, item 2) of this article may not be a person that may not be a licence holder under the provisions of this law.

The media service referred to in paragraph 1, item 2) of this article shall be available without prior approval or licence through all electronic communications networks for media content distribution, including the terrestrial broadcasting network with conditional access.

Providing on-demand media services based on approval

Article 87

On-demand media services in the Republic of Serbia may be provided by any legal or natural person in accordance with the provisions of this law and to whom the Regulator has issued the approval for the provision of media services, except for those persons who may not hold licences in accordance with this law.

Approval for the provision of media services referred to in paragraph 1 of this article shall be issued by the Regulator at the request of the service provider.

The application shall be submitted on the form prescribed by the Regulator.

Along with the application, and evidence of compliance with the requirements referred to in paragraph 1 of this article, evidence of compliance with technical requirements for the provision of services shall be submitted, as well as information about the programme concept and offered programme content catalogues.

The Regulator shall reject the application referred to in paragraph 3 of this article if it is incomplete or it is determined that the data provided in it is incomplete or inaccurate, if the applicant fails to supplement the application within the subsequently determined period of seven days, or provide accurate data or complete documentation.

The Regulator shall keep records of on-demand media service providers, which contain information about the name of the media service, the name of the media service provider, data about the permanent residence or head office of the media service provider, contact details and data about the programme concept of the media service.

The Regulator shall pass a decision terminating the approval for the provision of on-demand media services and delete the provider from the Media Service Register:

- 1) if the provider submits a written notice to the Regulator on the termination of service provision;
- 2) if the provider suspends the provision of services for more than three months;
- 3) if the provider does not meet the technical requirements for the provision of services;
- 4) if the provider is banned from performing business activity by a final court decision;
- 5) if the service provider ceases to be a legal person or ceases its business operation;
- 6) if the provider fails to honour the obligation to pay the fee for the provision of media services even within the appropriate extended deadline.

Providing media services on the basis of licence

Article 88

The Regulator shall grant the licence in the manner prescribed by this law.

The licence granting procedure shall be public.

The licence is an authorisation whose holder shall be entitled to provide media services by means of electronic communications networks to an indefinite number of users.

The licence through which the right to provide media services is acquired shall be granted at the request of the media service provider.

The licence through which the right is acquired to provide free-to-air television media services and free-to-air radio media services, by means of terrestrial analogue or digital transmission, shall be granted through a process of public competition.

Article 89

The licence granted through public competition shall not be transferable, except in the case of a change of status of the licence holder, within the meaning of the law governing the status of companies, provided that this does not lead to a violation of media pluralism within the meaning of the regulations governing media and public information.

The licence granted upon request may be transferred to another person only if that person accepts all the obligations arising from the licence.

In the case referred to in paragraphs 1 and 2 of this article, transfer may be performed only on the basis of a document drawn up in writing, subject to prior approval by the Regulator.

Data on the approvals issued relating to the documents referred to in paragraph 3 of this article shall be published by the Regulator on its website.

The Regulator shall regulate in more detail the procedure for issuing the approval referred to in paragraph 3 of this article.

Licence holder

Article 90

The licence shall be granted to a natural or a legal person - media service provider under the jurisdiction of the Republic of Serbia, in accordance with the provisions of this law and the provisions of the law regulating the area of public information.

Article 91

The licence holder may not be:

- 1) the Republic of Serbia, the autonomous province or local government;
- 2) a company, institution or other legal entity which is wholly or partly publicly owned if it:
 - is the beneficiary of state aid, within the meaning of the Law on the Ratification of the Stabilisation and Association Agreement between the European Communities and their Member States, on the one hand, and the Republic of Serbia, on the other hand, and the law regulating state aid control, or
 - performs business activities of public interest within the meaning of the law governing the legal status of forms of organisation performing business activities of public interest;
- 3) a political party.

State aid referred to in item 2), indent 1 of this article shall be assessed on the basis of the criteria arising from the application of competition rules applicable in the European Union, and in particular those referred to in Article 107 of the Treaty on the Functioning of the European Union and the interpretation instruments adopted by the institutions of the European Union.

The prohibition referred to in this article shall not apply to higher education institutions referred to in Article 84, paragraph 2 of this law.

Granting of licence at the request of the media service provider

Article 92

The Regulator shall prescribe minimum technical, organisational and programme requirements for granting a licence at the request of the media service provider.

Application for licence

Article 93

The application for licence shall contain:

- 1) the name of the legal entity or sole trader and its TIN number, address or head office, as well as data on the person responsible for the representation and data on the editor-in-chief;
- 2) evidence of registration of the applicant for the provision of media services;
- 3) evidence of compliance with the technical and organisational requirements for programme production;
- 4) information on the type of media service for which the application is submitted, in accordance with Article 56, paragraph 2 of this law;
- 5) documentation relating to the proposed programme concept;
- 6) plan of organisational and technical concept and personnel structure;
- 7) information on the type of electronic communications networks by means of which the applicant intends to provide the service;
- 8) planned date of commencement of service provision;
- 9) abbreviated identification logo and its graphic representation;
- 10) data on the ownership structure of the applicant, including data on the legal person (registered and business name, head office and ownership structure) or natural person (name, permanent residence and nationality) that directly or indirectly, through other entities, has an interest (stakes, shares, etc.) in the ownership structure of the applicant, as well as data on the extent of such interest;
- 11) a statement that the granting of the licence will not lead to violation of media pluralism;
- 12) evidence from a competent court there are no proceedings against the applicant or against the responsible person of the applicant conducted for a crime against the economy or any other criminal offence which is punishable by imprisonment.

Regulator's handling of applications

Article 94

The Regulator shall pass a decision on the application for licence.

If it finds that the applicant has submitted a complete application referred to in Article 93 of this law, the Regulator shall grant a licence for the provision of media services and enter it in the Media Service Register within 30 days from the date of application submission.

The Regulator shall pass a decision rejecting the application referred to in paragraph 1 of this article if it determines that the applicant does not meet the requirements referred to in Article 92 of this law and if the submitted documentation relating to the proposed programme concept shows that the applicant would not meet the obligations set forth in Articles 61-82 of this law.

Article 95

The applicant who is granted a licence for the provision of media services shall submit to the Regulator an agreement with the operator of at least one electronic communications network within 30 days of receipt of the licence, which entitles the applicant to use the network for distributing its programmes to the public.

The licence holder shall submit to the Regulator any amendment to the agreement or subsequently concluded agreement with the of electronic communications network operator within 15 days of the agreement date.

Complaint against the decision

Article 96

The decision referred to in Article 94, paragraph 3 of this law shall be final and an administrative dispute can be initiated against it.

Media Service Register

Article 97

The Regulator shall maintain and regularly update the Media Service Register (hereinafter: Register).

The Register referred to in paragraph 1 of this article shall in particular contain:

- 1) the name and type of media service;
- 2) name of the media service provider and data about the provider (registered or business name, head office, registration number, TIN);
- 3) number and date of granting the licence, or the grounds for providing the service if it is provided with no obligation to obtain an approval or licence;
- 4) period for which the approval or licence is granted;
- 5) data about the responsible person of the media service provider;
- 6) data about the measures imposed against the media service provider.
- 7) warning to the media service provider about the existence of a violation of media pluralism.

The Regulator shall delete ex officio the service from the Register referred to in paragraph 1 of this article after the grounds for its provision cease to exist.

The Register referred to in paragraph 1 of this article shall be published in accordance with the law.

Commencement of media service provision

Article 98

The licence holder shall commence the provision of media services within 90 days of receipt of the licence.

Licence validity and extension

Article 99

The licence shall be granted for a period of eight years.

The validity of the licence may be extended at the request of the licence holder, which shall be submitted to the Regulator six months before the expiration of the current licence.

The Regulator shall decide on the request for extension of the licence by applying the rules on the basis of which the decision was made in the licensing process, bearing in mind the fulfilment of the obligations of the applicant provided for by Articles 61-82 of this law, as well as compliance with the requirements contained in the granted licence, and in particular the measures imposed against the holder in accordance with this law.

The licence for the provision of media services shall be extended for a period of eight years.

The licence granted on the basis of a public competition may be extended upon request only once.

Termination of licence validity before its expiration

Article 100

The validity of the licence shall be terminated before its expiration if:

- 1) the media service provider notifies the Regulator in writing that it no longer intends to provide the media service;
- 2) it is determined that, when applying for a licence, the media service provider supplied incorrect data in the application or in the documents attached to the application;
- 3) the media service provider failed to start providing media services within the period stipulated by Article 98 of this law;
- 4) the media service provider failed to provide the media service for more than 30 consecutive days or 60 days with interruptions during the calendar year, unless the interruption is due to force majeure;

- 5) for a period longer than three months, the licence holder fails to meet the prescribed minimum technical and organisational requirements for the provision of media services or fails to provide quality signal coverage in the coverage area, in accordance with this law;
- 6) the media service provider violates the provisions on the protection of media pluralism envisaged by this law, and the law governing the area of public information and media;
- 7) following the procedure conducted in accordance with this law and the regulations adopted thereunder, the Regulator imposes against the media service provider a measure of licence revocation for breach of obligations or violation of the requirements stipulated by the licence;
- 8) the provider fails to honour the obligation to pay the fee for the provision of media services even within the appropriate extended period;
- 9) due to changes in the ownership structure of the media service provider, after the granting of the licence, it cannot be reliably determined who has control over the media service provider within the meaning of the law governing the protection of competition;
- 10) the licence holder engages in legal transactions in order to transfer the licence, contrary to the provisions of Article 89, paragraphs 1-3 of this law;
- 11) in other cases prescribed by this law.

The granted licence shall be terminated with the termination of a natural or legal person that is the licence holder.

Licence revocation procedure

Article 101

In the event of the occurrence of any of the reasons referred to in Article 100, paragraph 1 of this law, the Regulator shall pass a decision to revoke the licence.

The decision to revoke the licence shall be adopted by a two-third majority of the total number of votes of the Council members.

The decision referred to in paragraph 2 of this article shall be final and an administrative dispute may be initiated against it.

Procedure of enforcement of licence revocation decision

Article 102

The media service provider whose licence has been revoked shall terminate the provision of media services within the period specified in the final decision on licence revocation, and if the provider fails to do so, the Regulator shall conduct the procedure of enforcement of licence revocation decision.

The electronic communications network operator within which the media service of the person whose licence has been revoked is distributed shall act in accordance with the Regulator's decision enforcing the decision on licence revocation and terminate the distribution of media services of such person.

The enforcement decision shall be passed by the Regulator in accordance with the regulations governing the general administrative procedure.

Article 103

The licence granting the right to provide free-to-air television media services and free-to-air radio media services by means of terrestrial analogue and digital transmission shall be granted on the basis of a public competition announced by the Regulator in accordance with the law.

The licence shall be granted on the basis of the decision taken by the Council, in accordance with the provisions of Article 107, paragraph 9 of this law.

Before announcing a public competition, the Regulator shall obtain data on:

- 1) the availability of radio frequencies for terrestrial analogue transmission from the regulatory authority responsible for the area of electronic communications;
- 2) availability of capacity in the multiplex for the purposes of digital terrestrial transmission from the multiplex operator.

The Regulator shall adopt detailed rules setting out the minimum requirements that must be met by applicants to the public competition or holders of licences for media service provision: technical (necessary equipment and other technical resources ensuring quality production, as well as transmission and broadcasting for analogue programme broadcasting in accordance with the planned programme concept, size and structure of the premises intended for the performance of activities of media service provision), organisational (staff size, structure and engagement basis, financial indicators in connection with the possibility of profitable business operation and survival on the market) and programming (programme types and quantitative ratios between individual types of programmes, the share of own production, Serbian audiovisual works, European audiovisual works and European audiovisual works of independent production).

The Regulator shall adopt an enactment to establish non-discriminatory, objective and measurable criteria for decision-making, which correspond to the activities for whose performance the licence is granted and shall prescribe the application form.

No later than 30 days prior to the announcement of the public competition, the Regulator shall publish the enactment referred to in paragraphs 4 and 5 of this article in the Official Gazette of the Republic of Serbia and on its website.

In adopting the enactment referred to in paragraph 5 of this article, the Regulator shall take into account the offer that would meet the needs of citizens for diverse media content, financial resources necessary for the production or acquisition of programme content and overall operation, as well as minimum technical, organisational and programme requirements.

The requirements and criteria set out by the enactment referred to in paragraphs 4 and 5 of this article must not be changed during the course of the proceedings related to the announced public competition.

If the applicant was previously granted a licence, when adopting the enactment referred to in paragraph 4 of this article, the Regulator shall take into account the fulfilment of the requirements for which the licence was granted (alignment with the programme study, technical, personnel and financial requirements), as well as the measures imposed.

Public competition advertisement

Article 104

The advertisement announcing the public competition for licensing shall be published in the Official Gazette of the Republic of Serbia and on the website of the Regulator, and include:

- 1) the name of the enactment which sets out the requirements and criteria for obtaining a licence;
- 2) coverage area for which the public competition is announced, or the allotment area;
- 3) information on the amount of the annual fee for the granted right to provide media services;
- 4) information on the amount of the annual fee for multiplex access, and information about the amount of the annual fee for the use of radio frequencies if the licence relates to the provision of media services by means of analogue transmission;
- 5) amount of deposit referred to in Article 105 of this law,
- 6) deadline for submitting applications to the public competition together with prescribed documentation, which may not be shorter than 60 days of announcement of the public competition;
- 7) deadline for issuing the decision related to the announced public competition.

The public advertisement competition shall also contain the type of programme for which the competition is announced, based on the goals referred to in Article 27, paragraph 1 of this law, previous market analyses and population needs for a certain type of content.

Deposit

Article 105

The applicant to public competition shall make a deposit when submitting the application in the amount of the quarterly fee for the obtained right to provide media services.

Application to public competition

Article 106

The application to public competition shall be submitted on a form whose content is prescribed and published by the Regulator.

The application referred to in paragraph 1 of this article shall contain at least the following:

- 1) the name of the legal entity or sole trader applying to the competition and their TIN number, address or head office, as well as data of the person responsible for its representation and data about the editor-in-chief;
- 2) information about the type of media services, in accordance with Article 56 of this law;
- 3) desired coverage area;
- 4) date of commencement of service provision.

The applicant shall submit with the application:

- 1) evidence of registration of the applicant for the provision of media services;
- 2) evidence of compliance with the requirements and criteria referred to in Article 103, paragraphs 4 and 5 of this law;
- 3) documentation relating to the proposed programme concept;
- 4) abbreviated identification logo and its graphic representation;
- 5) data on the ownership structure of the applicant, including data on the legal person (registered and business name, head office and ownership structure) or natural person (name, permanent residence and nationality) that directly or indirectly, through other entities, has an interest (stakes, shares, etc.) in the ownership structure of the applicant, as well as data on the extent of the interest;
- 6) evidence from the competent court that no proceedings are being conducted against the applicant or against the responsible person of the applicant for a criminal offence against the economy or any other criminal offence which is punishable by imprisonment;
- 7) a statement that the issuance of the licence will not lead a situation violating media pluralism;
- 8) evidence of payment of the deposit;
- 9) other documents as instructed by the Regulator in accordance with the law and bylaws.

The applicant may also submit other documentation, which the applicant considers to be of importance for obtaining a licence.

Article 107

The Regulator shall reject the application referred to in Article 106 of this law if the application:

- 1) contains incomplete or inaccurate information, or incomplete documentation, if the applicant fails to supplement the application, or fails to provide accurate data or complete documentation within the subsequently determined deadline of eight days;
- 2) is filed after the deadline for the submission of applications;
- 3) is not submitted on the prescribed application form;
- 4) is not accompanied by evidence of payment of the deposit;
- 5) is not accompanied by evidence of deposit payment by the applicant.

The Regulator shall publish, in the same manner in which the public competition was advertised, a list of all applicants whose applications are complete and submitted on time, within 15 days after the deadline for the submission of applications.

The Regulator shall pass a decision granting the licence in accordance with the prescribed criteria and requirements.

If more than one person meeting the prescribed requirements for the provision of media services applies for the use of the same coverage area or certain type of programme, the Regulator shall

give preference to the one for which it reasonably concludes, on the basis of the documents submitted, that it will achieve higher quality and diversity of content.

If the applicant has already provided media services, when taking the decision, the Regulator shall also take into account the applicant's practice in fulfilling the obligations prescribed by Articles 61-82 of this law and compliance with the requirements contained in the licence.

The Regulator shall publish a list of persons that have acquired the right to provide media services, in the manner in which the public competition was advertised, without delay and no later than 15 days of the decision date.

The Regulator shall submit the decision granting the licence to the regulatory authority for electronic communications, along with the application for the issuance of licence to use radio frequency, in accordance with the law governing electronic communications, if the licence is granted for the provision of media services by means of terrestrial analogue transmission.

The Regulator shall submit to the multiplex operator the decision granting the licence for the purpose of concluding an agreement on access to the multiplex, if the licence is granted for the provision of media services by means of terrestrial digital transmission.

After the regulatory authority for electronic communications submits to the Regulator the licence for using the radio frequency referred to in paragraph 7 of this article, or after the agreement on access to the multiplex referred to in paragraph 8 of this article is submitted to the Regulator, the Regulator shall grant the licence for the provision of media service.

If the regulatory authority referred to in paragraph 7 of this article does not grant a licence for radio frequency use, or if the agreement referred to in paragraph 8 of this article is not concluded, the Regulator shall repeal the decision referred to in paragraph 3 of this article.

Refund of the deposit

Article 108

The person whose application is rejected or who is not granted a licence shall be refunded the paid deposit within seven days after the decision referred to in Article 107, paragraph 3 of this law becomes final, and the person that is granted a licence shall have the paid deposit deducted from the amount of the fee for the granted right to provide media services.

The deposit shall not be refunded to the licence holder that:

- 1) notifies the Regulator, before the deadline for initiating the provision of media services, in writing that the holder is going to relinquish the granted licence;
- 2) does not start providing the media service within the prescribed period.

Analogous application of the provisions of this law

Article 109

Provisions of Articles 94-102 of this law shall also apply accordingly when the licence is granted based on a public competition.

Separate grounds for the termination of licence validity before its expiry

Article 110

The licence granting the right to provide media services by means of terrestrial analogue or digital transmission shall be terminated before the expiry of the period for which it is granted if the regulatory authority for electronic communications, in accordance with the provisions of the law governing electronic communications, revokes the licence for the use of the radio frequency spectrum from the provider of media services by means of terrestrial analogue transmission or the operator of the multiplex and/or the network which provides multiplexing and/or transmission and distribution services to the provider of media services by means of digital terrestrial transmission, and there is no other operator which would continue to provide multiplexing services and/or transmission and distribution services.

Media service providers connecting into networks

Article 111

Media service providers may, in compliance with the programme requirements under which the licence for media service provision was granted, connect into networks with regard to programme in order to reduce the operating costs of programme content production, increase advertising revenue and raise programme quality, all for the purpose of ensuring economic sustainability.

Media service providers may connect into networks with regard to programme subject to prior consent issued by the Regulator, under the following conditions:

- 1) if they conclude a contract on the manner of broadcasting joint programme that may account for no more than 40% of the daily broadcast programme, with the obligation of the media service providers to broadcast local news and current affairs programme, in accordance with the programme concept for which such media service providers were granted licences;
- 2) if, in the rest of the programme, they adhere to the programme concept for which they were granted a licence;
- 3) if their connecting does not violate competition within the meaning of the regulations governing the protection of competition in the market.

Media service providers shall attach to the written request to connect into a network a contract on the manner of broadcasting joint programme, with certified signatures of the contracting parties in accordance with the law governing the certification of signatures, manuscripts and copies.

The Regulator shall pass a decision on the request to connect into the network, subject to previously obtained opinion of the authority responsible for the protection of competition.

The Regulator shall pass a decision rejecting the request referred to in paragraph 3 of this article if:

- 1) the requirements referred to in paragraph 2 of this article are not met;
- 2) any of the media service providers have not paid the fee for the right to provide media services;
- 3) the connection would violate the provisions on the prohibition of violation of media pluralism;

4) in the opinion of the authority responsible for the protection of competition, such connection would result in a violation of competition;

5) the connection would be contrary to the goal referred to in paragraph 1 of this article.

The Regulator shall monitor ex officio the compliance with the requirements referred to in paragraphs 2 and 5 of this article during the full lifespan of the network.

Media service providers whose coverage area encompasses the entire territory of the Republic of Serbia may not be connected into networks.

Special obligations of electronic communications network operators for the distribution of media content

Article 112

The operator of an electronic communications network for distribution of media services, shall, before including a certain media service in its programme package and the start of distribution, obtain the prior written consent of the holder of the rights to the programme and submit it to the Regulator for record-keeping purposes.

The operator shall distribute media services at the same time and in full with no modifications (retransmit), in accordance with the obtained written consent of the media service provider. In particular, it is not permitted to shorten, interrupt, overlay or otherwise modify programme contents made available by means of media services, including commercial communications that are made available by means of media services, or to reduce the image of programme content for the purpose of broadcasting commercial communication.

Notwithstanding paragraph 2 of this article, the following shall not be considered an unauthorised modification of the media service:

1) the use of the elements overlaying the media service initiated and agreed upon by the service user solely for own private needs, in particular the elements that are the result of using the services for personal communication;

2) use of the user interface control elements necessary to manage the device for receiving and using such content or searching programme content, such as the volume bars, search functions, navigation lists or media service lists;

3) use of elements overlaying or interrupting media services for the purpose of broadcasting urgent press releases of public authorities relating to threats to life, health, safety or property;

4) use of data compression techniques to reduce the size of data files and other techniques for adapting the service to the method of distribution, but without modifying the content or contracted or prescribed standards of transmission quality and without violating the integrity of the programme content or its availability to the service users.

The operator shall distribute media services in a fair, transparent and non-discriminatory manner, in relation to media service providers.

If the media service provider considers that the operator has violated the obligation referred to in paragraph 4 of this article in relation to the provider, the provider may file a complaint with the Regulator and submit evidence on which such claims are based.

In the procedure of considering the complaint, the Regulator shall ask the operator to give a statement on its allegations within a time limit that may not be shorter than 15 days of receipt of the request.

Upon consideration of the media service provider's complaint and the operator's statement, the Regulator may:

- 1) notify the competent regulatory authority for the protection of competition of the complaint if it considers it necessary to examine whether the actions of the operator violate the regulations governing the protection of competition;
- 2) examine whether the requirements provided for by this law have been met with regard to the media service being included in the list of media services the content of which is of importance for the realisation of public interest in the area of electronic media and public information;
- 3) notify the competent regulatory authority for electronic communications of the complaint, if the media service is on the list referred to in item 2) of this paragraph, but the operator failed to act in accordance with the decision of that regulatory authority, mandating the operator to transmit media services in a certain geographical area.

The media service provider shall notify the operator in a timely manner that the provider does not have the right to broadcast certain programme content by means of a certain platform, and then the operator must not distribute such programme content.

The operator shall adhere to the list of media services included in the programme package and notify the Regulator in advance in writing of any change to the number and structure of programme packages.

The operator, except for the operator of the terrestrial broadcasting network, shall, without charging any special fee, distribute to its end users the basic programmes of public broadcaster in its coverage area, and the public broadcasters shall enable it to do so without charging fees.

The operator, except for the terrestrial broadcasting network operator, shall, without charging any special fee, distribute to its end users the programmes which the public broadcaster provides as a new media service, within the meaning of the law governing the operation of public broadcasters, if the Regulator decides that it is necessary to do so in public interest. Public broadcasters shall enable it to do so without charging fees.

The operator, except for the operator of the digital terrestrial broadcasting network, in relation to the services it provides without conditional access, shall, at the request of the Regulator, submit data on the number of users of media content distribution service.

The operator shall position the programmes in its offering as follows:

- 1) the operator's service channel, with information on the content of the operator's offering - zero position;
- 2) basic programmes of public broadcasters in their coverage area – positions immediately following the zero position;
- 3) all other television media services offered by the operator – immediately following the positions for television media services referred to in item 2) of this paragraph, in the order

determined by the operator.

The Regulator shall oversee the implementation of this article, in cooperation with the regulatory authority responsible for electronic communications.

If, in the course of oversight, the Regulator identifies irregularities in the implementation of this article, it shall notify the operator and set out the deadline within which the operator is obliged to eliminate them. The deadline may not be shorter than 15 days of receipt of the notice.

If the Regulator determines that the operator has failed to eliminate the identified irregularities within the specified deadline, it shall pass a decision ordering their elimination and implement the administrative enforcement procedure, if the operator fails to act on such order.

The provisions of this article shall also apply to the rights and obligations of the person providing the media content distribution service as an over-the-top (OTT) service within the meaning of the law governing electronic commerce, or whose provision of the service is based on the end user of the service gaining access to the internet by using the service of the electronic communications network operator.

Prohibited activities relating to protected services

Article 113

It is prohibited to produce, import, place in circulation, rent out, or hold for commercial purposes devices, equipment or software designed or adapted to give access to a protected service in an intelligible form without the approval of the service provider, or facilitate the circumvention of any measure of conditional access to the protected service.

It is prohibited to install, maintain or replace the devices referred to in paragraph 1 of this article for commercial purposes.

It is prohibited to circumvent any measures of conditional access or provide services which enable or facilitate it.

Audiovisual commercial communications which recommend activities or services referred to in paragraphs 1-3 of this article, are prohibited.

Judicial protection of protected service providers

Article 114

The protected service provider shall be entitled to judicial protection.

Against a person who has violated its rights, the protected service provider may seek judicial protection and compensation of damages according to the general rules on compensation of damages.

VI. VIDEO SHARING PLATFORM SERVICES

Obligations of video sharing platform service providers

Article 115

The video sharing platform service provider shall take appropriate measures to implement the provisions of this law, in particular in order to protect:

- 1) minors from programme contents, user-generated video content or audiovisual commercial communications that may harm the physical, mental or moral development of minors within the meaning of Article 65 of this law;
- 2) the public from incitement to violence and hatred within the meaning of Article 71 of this law;
- 3) the public from programme content, user-generated video content or audiovisual commercial communications the broadcasting of which constitutes a criminal offence of public incitement to perpetrate terrorist acts, child pornography or racial or other discrimination.

Video sharing platform service providers shall take appropriate measures to ensure that user-generated video content, which is found to contain audiovisual commercial communications, is compliant with the provisions of the law governing the area of advertising.

Video sharing platform service providers shall notify users that user-generated video content contains audiovisual commercial communications.

Measures taken by the video sharing platform service provider

Article 116

The Regulator shall regulate in more detail the measures that video sharing platform service providers are obligated to apply, given the nature of the content in question, the damage it may cause, the characteristics and categories of persons to be protected, the rights and legitimate interests of all stakeholders, including the video sharing platform service providers, users who generated video content and public interest.

Video sharing platform service providers under the jurisdiction of the Republic of Serbia

Article 117

The video sharing platform service provider shall be under the jurisdiction of the Republic of Serbia when its head office is located in its territory.

If the video sharing platform service provider does not have its head office in the Republic of Serbia, the video sharing platform service provider shall be deemed under the jurisdiction of the Republic of Serbia in the following cases:

- 1) when it is a parent company or subsidiary company with its head office in the Republic of Serbia;
- 2) when it is part of a group and a company from that group has its head office in the Republic of Serbia.

For the purpose of the application of paragraph 2 of this article, if the parent company, a subsidiary or other company from the group, have head offices in different member states of the European Union or the Republic of Serbia, the video sharing platform service provider shall be deemed under the jurisdiction of the country in which its parent company has its head office or, if its parent company does not have its head office in one of those states, under the jurisdiction of

the state in which the subsidiary has its head office or, if its subsidiary does not have its head office in one of those states, under the jurisdiction of the state in which the company from the group has its head office.

For the purpose of the application of paragraph 3 of this article, if there are several subsidiaries and each has its head office in different states of the European Union or the Republic of Serbia, the video sharing platform service provider shall be deemed under the jurisdiction of the state in which one of these companies started its activity, provided that it maintains a stable and effective relationship with the economy of that country. If there are several companies that are part of the group, and each of them has its head office in different states of the European Union or the Republic of Serbia, the video sharing platform service provider shall be deemed under the jurisdiction of the state in which one of these companies started its activity, provided that it maintains a stable and effective relationship with the economy of that country.

Article 118

The Regulator shall maintain the Records of video sharing platform service providers that have their head office in the Republic of Serbia or are deemed to have their head office in the Republic of Serbia.

Video sharing platform service providers shall register in the Records referred to in paragraph 1 of this article before initiating the provision of the service.

The Records must be publicly available on the Regulator's website.

The Regulator shall maintain an up-to-date list of video sharing platform service providers that are deemed to have their head office in the Republic of Serbia and to submit the list and any modifications thereof to the European Commission.

VII. PROTECTION OF MEDIA PLURALISM

Establishing the existence of violation of media pluralism

Article 119

The existence of violation of media pluralism, as provided by the provisions of the law governing public information and media, in cases of consolidation of founding or management rights in two or more electronic media providers, or cross-acquisition of interests involving at least one electronic media entity, shall be established by the Regulator, based on the complaint of an interested party or ex officio.

If the Regulator establishes the existence of violation of media pluralism referred to in paragraph 1 of this article, it shall warn the holder of the media service provision licence and instruct it to submit, within three months of the date of receipt of the notice, evidence that the holder has taken actions that ended the situation which led to the violation of media pluralism.

The Regulator shall issue ex officio a warning referred to in paragraph 2 of this article on its website, enter it in the Media Service Register and notify the authority responsible for maintaining the Media Register thereof.

If the holder of the media service provision licence fails to act upon the warning referred to in paragraph 2 of this article, the Regulator shall revoke its licence in accordance with the provisions of this law.

Granting licences for the provision of media services and protection of media pluralism

Article 120

The Regulator shall not grant a licence for media service provision if it determines that such granting would lead to the violation of media pluralism within the meaning of the law governing public information and media.

Notice of change in the structure of interest in the core capital

Article 121

The holder of the media services provision licence must notify the Regulator in advance in writing of any planned change in the ownership structure of the core capital (changes in the founder or changes in the founder's interest in the capital), in order to obtain its consent.

The consent referred to in paragraph 1 of this article shall be given exclusively to the media service provider in order to avoid jeopardising media pluralism and may not relate to other cases of change in ownership structure.

The Regulator shall submit to the licence holder the relevant Decision on Consent to the Planned Change in Ownership Structure referred to in paragraph 1 of this article, if it determines that the planned change in ownership structure will not violate media pluralism.

If the Regulator determines that the planned changes in the ownership structure of interest in the core capital could lead to the violation of media pluralism, it shall pass a decision revoking consent to the planned change and it shall recommend to the holder of the media service provision licence to adjust changes in a manner that would avoid the violation of media pluralism.

The decision of the Regulator referred to in the previous paragraph of this article shall be final and an administrative dispute may be initiated against it.

If the holder of the media service provision licence fails to act in accordance with the recommendation from the Regulator's decision, which results in one of the cases of media pluralism violation provided by the law, the Regulator shall revoke its licence in accordance with the provisions of this law.

If the structure of interest in the core capital of the licence holder changes, the programme concept on the basis of which the licence was granted may not be changed without the prior consent of the Regulator.

The Regulator shall regulate in more detail the actions to be taken following the notice of changes in ownership structure by the media service provider, as well as in cases of unnotified changes in ownership.

Mandatory transfer as a measure to protect media pluralism

Article 122

The Regulator shall draw up a list of television and radio media services whose programme contents are of importance for the realisation of public interest in the area of electronic media and public information in the corresponding geographic areas for which licences were granted for such services and whose unavailability to a significant number of citizens in such area would prejudice the achievement of the goals of public interest or media pluralism.

A significant number of citizens within the meaning of paragraph 1 of this article shall be understood to mean at least 40% of citizens in the appropriate geographical area.

In particular, public interest in the area of electronic media and public information shall be deemed to be realised by the programme content of the media service if such content meets at least one of the following criteria:

- 1) if it meets the needs of citizens in the corresponding geographical area for news and current affairs, science and educational, entertainment, cultural and artistic and children's programmes;
- 2) if it makes a significant contribution in the area of information, culture and education, by providing free, true, objective, complete and timely information, as well as through content that contributes to the enlightenment, decency, social and spiritual development of the population and the overall spiritual, moral and social development of the community;
- 3) if it makes a significant contribution to the preservation of the cultural identity of the Serbian people or a national minority living in the corresponding geographical area;
- 4) if content intended for true, impartial, timely and complete information of national minorities in their native language and promotion of understanding, appreciation and respect of differences that exist due to the peculiarities of their ethnic, cultural, linguistic or religious identity, is present to a significant extent;
- 5) if content intended to inform persons with disabilities or other minority groups or content aimed at promoting their integration into society, is present to a significant extent;
- 6) if programme content that is accessible and allows access to people with impaired hearing or vision, is present to a significant extent;
- 7) if content intended for children or young people is present to a significant extent;
- 8) if it would enrich and improve the offering of programme content in the corresponding geographic area, by providing access to new types of programme content that are not otherwise available in the area;
- 9) if the science and educational, cultural and artistic, documentary or children's programme, or programme for children or youth, together or individually, accounts for more than 20% of the overall annual broadcast programme.

The Regulator shall draw up the list at least once every three years, and, in doing so, it shall respect the principles of proportionality, non-discrimination, fairness and publicity.

The Regulator shall explain the proposed list, stating for each particular media service the reasons for its inclusion in the list and publish the proposal on its website, for the purpose of

conducting public consultations in accordance with Article 53 of this law.

The Regulator shall publish on its website the finalised list with the rationale.

The Regulator shall submit the reasoned list to the regulatory authority responsible for electronic communications with the request to assess whether the requirements, provided for by the law governing the area of electronic communications, have been met for determining the electronic communications network operator that will be obliged to transmit a specific media service from the list in the corresponding geographical area

VIII. PENALTY PROVISIONS

Economic offences

Article 123

A fine of RSD 2,000,000 to RSD 3,000,000 shall be imposed for an economic offence against a legal entity providing a service without a licence or approval (Articles 87 and 88).

For the economic offence referred to in paragraph 1 of this article, a fine may be imposed in proportion to the extent of damage caused, unfulfilled obligations or the value of goods or other items that are the subject of the economic offence, up to twenty times the amount of those values.

For the economic offence referred to in paragraph 1 of this article, the responsible person in the legal entity shall also be fined RSD 150,000 to RSD 200,000.

For the economic offence referred to in paragraph 1 of this article, a legal person may be imposed a protection measure of ban on performance of certain economic activities during one to three years, and the responsible person in the legal entity may be imposed a protection measure of ban on performance of certain duties for a period of one year.

Article 124

A fine of RSD 100,000 to RSD 1,000,000 shall be imposed for an economic offence against a legal person - media service provider that fails to act upon the warning from the Regulator as part of the procedure of establishing the existence of violation of media pluralism (Article 119, paragraph 2).

For the economic offence referred to in paragraph 1 of this article, a fine of RSD 10,000 to RSD 200,000 shall be imposed against the responsible person in the legal entity - media service provider.

Misdemeanours

Article 125

A fine of RSD 500,000 to RSD 2,000,000 shall be imposed against a legal person if it:

1) fails to act in accordance with the provisions of this law regarding the notification of changes that may affect the determination of jurisdiction (Article 58, paragraphs 2–4);

- 2) fails to act in accordance with the provisions of this law regarding general obligations (Article 61);
- 3) fails to act in accordance with the provisions of this law regarding the obligations related to election campaigns (Article 62);
- 4) fails to act in accordance with the provisions of this law regarding special technical obligations (Article 63);
- 5) fails to act in accordance with the provisions of this law regarding the protection of minors (Articles 64–68);
- 6) fails to act in accordance with the provisions of this law regarding the obligation of identification (Article 69);
- 7) fails to act in accordance with the provisions of this law regarding the obligation to respect human rights (Article 70);
- 8) fails to act in accordance with the provisions of this law regarding the prohibition of hate speech (Article 71);
- 9) fails to act in accordance with the provisions of this law regarding the ban on broadcasting certain programme contents (Article 72);
- 10) fails to act in accordance with the provisions of this law regarding the provision of media services in own language (Article 80);
- 11) fails to act in accordance with the provisions of this law regarding access to most important events (Article 82);
- 12) fails to act in accordance with the provisions of this law regarding the special obligations of electronic communications network operators for media content distribution (Article 112);
- 13) fails to act in accordance with the provisions of this law regarding obligations of video sharing platform service providers (Article 115);
- 14) fails to act in accordance with the provisions of this law regarding obtaining the consent of the Regulator relating to change in ownership structure (Article 121).

For the misdemeanour referred to in paragraph 1 of this article, the responsible person in the legal person shall be fined RSD 50,000 to RSD 150,000.

For the misdemeanour referred to in paragraph 1 of this article, a sole trader shall be fined RSD 50,000 to RSD 500,000.

IX. TRANSITIONAL AND FINAL PROVISIONS

Article 126

Members of the Council elected in accordance with the Law on Electronic Media (Official Gazette of the RS, nos. 83/14, 6/16 – other law and 129/21) shall continue to perform that duty until the expiration of one year from the day this law enters into force.

By the date of termination of the term of office of members of the Council in accordance with paragraph 1 of this article, new members of the Council will be elected.

Notwithstanding Article 17, paragraph 1 of this law, in the course of election of the first convocation of the Council in accordance with the provisions of this law, three members of the Council shall be elected for the terms of office of two years, three members for four years, and three members for six years.

The duration of the terms of office of the members of the first convocation of the Council elected in accordance with the provisions of this law shall be determined by a draw, which is performed by the Speaker of the National Assembly at the sitting of the National Assembly.

Article 127

Video sharing platform service providers that are under the jurisdiction of the Republic of Serbia and started to perform their business activities before the entry into force of this law, shall submit applications for registration in the records maintained by the Regulator, within 90 days from the day this Law enters into force.

Article 128

The Regulator shall adopt the enactments provided for by this law within six months from the day this law enters into force, except for the enactment referred to in Article 27 of this law.

Regulations adopted on the basis of the Law on Electronic Media (Official Gazette of the RS, nos. 83/14, 6/16 – other law and 129/21) shall remain in force until the adoption of regulations based on this law, unless they are contrary to the provisions of this law.

Article 129

On the day of its entry into force, this law shall supersede the Law on Electronic Media (Official Gazette of the RS, nos. 83/14, 6/16 – other law and 129/21).

Article 130

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