

## SERBIA AND MONTENEGRO

Name of Regulatory Authority : Council of the Republic Broadcasting Agency: Concoil de Republic Serbia de Radiodifusion

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### Basis for operation

Legal framework : Broadcasting Act of Republic of Serbia, 2002

General remit :  TV  radio  networks and infrastructures  
 others (please specify) Cable distributive systems, Satellite broadcasting

Funding mechanisms :  licence fee  industry fee  state budget  
 mixed funding (please specify):  
 other (please specify):

### Composition

Number of members: 9 Term of office: 6\* years Re-election possible:  No

Proposal of members: *The following have power to propose members: National Parliament(1), Parliament of Automouos Province of Vojvodina(1), Government of Serbia(1), Executive Council of Autonomous Province of Vojvodina(1), Rectors of Universiries of Serbia, (1),Associations of public media in the republic of Serbia+Associations of Journalists+Association of Film and Theatar artista+professional Aqssociation of Composers ( 1), National non-governmental organizations and citizens associations that are primarily involved in free speech protection, protection of the rights of national minorities and protection of children rights (1), Churches and religious communities (1). The ninth Council member shall be proposed by the previously elected Council members, providing that candidate shall be person residing and employed at territory of Kosovo and Metohija (1).*

*\* First memebrrs will seve, decided by lottery, 2, 4 and 6 years one third each.*

Appointment of members: *Each empowered proposer shall give two candidates, except the member from Kosovo who will be one candidate proposed by the Council. The Parliament of Serbia shall elect one candidate from valid list, and has no power to nominate anybody else. For election of Council members a majority of all votes (126 out of 250 MP-s) is obligatory.*

Revocation of mandate possible:  based on: *The term of office of the Council members may end in the following events: upon expiration of the election period, upon recall if there is conflict of interests taking place, upon resignation submitted to the Parliament in writing (pre-submitted resignation shall produce no legal effect), upon the death, upon long period of absence that prevents the member to fulfill his duties.*

Number of staff : 20 *not completed yet*

Chairman: Nenad Cekic, Ph.D.

Vice Chairman: Vladimir Marko (Vojvodina)

Please describe your authority's structure if it doesn't have a board:

## Competences

|   |                                   | national                            | regional                            | local                               |
|---|-----------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Granting of licences  | terrestrial analogue broadcasters | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
|   | terrestrial digital broadcasters  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
|   | satellite analogue broadcasters   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
|   | satellite digital broadcasters    | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
|   | cable analogue broadcasters       | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
|   | cable digital broadcasters        | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
|   | others(please specify):           | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| Licences for MMDS transmission  |                                   |                                     |                                     |                                     |
| in the areas where your authority is not competent to grant licences, please specify the authority in charge: |                                   |                                     |                                     |                                     |
| Please add any other relevant information:  |                                   |                                     |                                     |                                     |
| Granting of registrations   | terrestrial analogue broadcasters | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
|   | terrestrial digital broadcasters  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
|   | satellite analogue broadcasters   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
|   | satellite digital broadcasters    | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |

|                             |                          |                          |                          |
|-----------------------------|--------------------------|--------------------------|--------------------------|
| cable analogue broadcasters | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| cable digital broadcasters  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| others(please specify):     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

in the areas where your authority is not competent to grant registrations, please specify the authority in charge:

Please add any other relevant information:

Frequency allocation  *Frequency allocation is done together with Telecommunication Agency. The principle is one desk, two licenses, since broadcasting license encompasses frequency and location designated to the emitter.*

|                |                      |                                     |                                     |                                     |
|----------------|----------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Supervision of | private broadcasters | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
|                | public broadcasters  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
|                | others               | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

Handling complaints

Sanctioning  issue warning       impose fine       demand to broadcast announcement  
 revoke licence       suspend licence       reduction in the licensing period  
 suspend a programme / broadcast  
 other (please specify): *Council has the power to bring broadcasters in front of Court and Litigation Authorities, if they act against Broadcasting Act provisions. The cases are specified in the Act.*

Rule making  codes       rules (please specify): *The Broadcasting Agency passes general binding instruction for closer regulation of certain issues related to the program content (e.g. in pre-election period, concerning timing of adult program etc.) independently of existing broadcasters practice. The binding instruction may deal with a particular issue, with a number of related issues or to all issues related to program content.*  
 other (please specify):

Consultative powers  please specify the areas covered: *Broadcasting Agency gives its opinion to the relevant government bodies regarding the accession to international conventions and other agreements related to the broadcasting. It cooperates and exchanges experience with corresponding organizations from other countries. When preparing regulations related to the field of broadcasting the relevant government bodies shall obtain the opinion of Broadcasting Agency thereof.*

Power of nomination  please specify: *The Broadcasting Council nominates directly the members of Boards of (e.g. chairman of Governors for Public Service in Serbia and Vojvodina. It nominates also one third of the members of the program council in both Public service companies (Serbia and Vojvodina).*

Monitoring  programming  
 financial performance  
 others (please specify): *By allocation of license the financial and ownership structure of competing broadcasters is controlled.*

others  Please specify: *The Broadcasting Agency takes care about: protection of youth, prevents speech of hate, controls percentage of domestic and self produced programs, controls percentage of advertising quotas, takes care about mode of political advertising, prevents media concentration and illegal networking, cares about protection of copy rights and intellectual property.*

Please add any information you deem important:

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<sup>1</sup> By "licence fee" we refer to the public service licence fee usually paid by the entire population, whereas the term "industry fee" implies all those funding mechanisms based on a contribution from broadcasters themselves, including, for example, licensing fees (i.e. an amount of money that is paid by the broadcaster for it to be able to carry out its broadcasting operations) and frequency taxes.