



## Report

Roundtable discussions about the media, June 28<sup>th</sup>, 2022.

**“The role of the REM and RTS in fostering political pluralism in the media” & “The Media strategy – how to proceed?”**

Conference “Democracy; A Minimal Consensus”

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## The role of the REM and RTS in fostering political pluralism in the media

### Conclusions:

- The participants of the conference concluded that change in the field of media would be not possible unless there were changes in the work of the Regulatory Authority for Electronic Media (REM). The unblocking of the captured media was primarily seen through the improvement of the REM’s work, and the participants presented several suggestions on how it could be improved.
- The participants stated that European media regulations were changing faster than Serbian media regulations. At the same time, the need for new regulatory mechanisms, as well as for greater influence and joint organisation of civil society in the field of media regulation, was expressed.
- The participants were informed that the discussions in the REM with candidates during the allocation of new national frequencies would be open to the public, which was welcomed as a sign of greater transparency. However, the need for professional standards to be applied when determining the criteria for frequency allocation was highlighted, as well as the necessity for the REM to ensure that they are respected.

This report presents key recommendations from the round table, many of which will require further consideration.

The discussion at the first roundtable **“The role of the REM and RTS in fostering political pluralism in the media”** was devoted to the analysis of the role and accountability of the independent regulatory authority and the public media service in terms of encouraging public debate and political pluralism, both

outside the election process and during the election campaign. After analysing the legislative and institutional framework, the participants of the round table discussed where the main challenges were and how to improve the implementation of existing rules, and whether a partial change of the legislative framework could lead to better protection of pluralism. The round table was intended for all actors competent and interested in the Serbian media scene, media pluralism and the position of the public media broadcaster.

The aim of the discussion was to open issues/offer answers to the following questions:

1. What kind of regulator and what kind of public media service do we need in order to fulfil their function in a democratic society?
2. What is the scope of the existing normative framework, are there any drawbacks and, if so, what are the concrete proposals for improving the framework that would lead to greater representation of political actors in the media programme, and especially in the programme of the public media broadcaster, both outside the election campaign and during the campaigning?

### **Main course of the discussion:**

At the very beginning, several points, providing a framework for the discussion, were underlined:

1. The European media regulation framework – it is perceived as a regulatory model to which we strive, but which is also constantly changing following the dynamics of social change. Such a framework regulates non-transparent advertising, disinformation, prevents the spread and exchange of illegal content. It will refer to web sites, entire internet structures, web platforms and internet content. The laws will be applied immediately, and the Western Balkans and Serbia will be the first to undergo harmonisation in the accession process.

The change is reflected in the fact that the laws will no longer be adopted by individual states, but the guidelines come from the EU. Europe has regulated the field of media in cycles: The European Television Without Borders Directive was adopted in 1989 in response to the great challenge of satellite television, in 2010 the EU established a new regulatory framework/directive regarding the provision of audio-visual media services, which responds to the need of unified regulation of linear and non-linear media content, and now the European framework for regulating the digital media.

2. The regulatory framework in Serbia – since 2012, visible is a rapid decline in media freedom, greater media control, as well as a decline in the level of democracy have been noticeable. The question is whether we can rely on partial changes, practiced so far, as radical changes are hard to imagine. How to really break that vicious circle? What can be partially done to improve the situation?

3. Electoral and political practices show that there is a collapse of electoral freedoms, electoral conditions were worse in 2022 than in 2020, according to election observers' reports, and functioning of the REM deteriorated. The question is what is the effect of the temporary regulatory authority?

The participants were primarily focused on the role of the REM, which they considered a key factor for achieving media freedom and adhering to the journalistic code. Numerous problems were found in its work. The criticism of the REM's was not aimed at the entire institution, since a part of the employees conducts their job professionally, but to the performance of the REM's Council given that it has a decisive role in the decision-making process and thus its work should be influenced/changed.

Discontent was expressed by the civil sector because the “wall” was put up against initiatives addressed to the REM. Members of the non-governmental sector stress that the REM also does not consider recommendations coming from the Ministry of Culture and Information.

The participants agreed that the problem with the REM had been going on for decades, and that this authority had not performed its function since its establishment. The situation had drastically worsened in the last ten years. It was stated that the REM was a deeply politicised institution, which only spoke up partially about breaches. The participants made a causal connection between the degradation of the REM's work and the collapse of the level of democracy in Serbia and agreed that the Laws on Public Services and Electronic Media were not bad, but that the problem persisted in implementation, in those who implement the laws and in the lack of political will.

During the discussion, an information that the REM would broadcast interviews with candidates for national frequency allocation was mentioned. The participants welcomed such approach, as if the broadcast would happen then it would enable greater transparency in decision-making. However, participants also stated that it is much more important that the REM be guided by professional criteria and standards when selecting candidates.

The largest number of proposals referred to the change of the REM itself. The participants rejected the possibility of abolishing the REM, as this would create an even worse situation in the field of media regulation. On the contrary, the participants advocated that it was necessary to strengthen the institution, which had been built over the last 20 years, but there was disagreement about the type of changes which clearly pointed to the necessity of further discussions in this regard.

Addressed were proposals to change the method of selecting members of the REM Council, i.e., that its members should come from ranks of other institutions which up until now do not have the right to nominate members of the Council (such as the Serbian Academy of Sciences and Arts), and that the confirmation of mandates does not have to be done by the National Assembly. On the other hand, there were also opinions that there was no guarantee that the proponents would choose quality personnel, and that an adequate form of public and transparent process should be found.

The participants agreed that civil society initiatives should have a greater impact – this should first and foremost be made possible through better, stronger, and more coordinated organisation of the civil sector, which would thus have greater strength and better proposals of higher quality.

The issue of regulation of Internet portals was only touched upon. It was stated that this area was being ignored by domestic institutions, that there were no regulations governing this area despite the increasing importance that it had for the audience. There were also proposals for new, hybrid forms of regulation that would cover several types of media.

## II The Media strategy – how to proceed?

### Conclusions:

- As the current Action Plan for the Media Strategy expires this year, the drafting of a new one should start immediately, so that it could be ready at the beginning of 2023. Thanks to the working group, we will get to know European directives better.
- Members of the working group for monitoring the Action Plan for the implementation of the Media Strategy should have regular meetings with the working groups for the drafting of media laws, as this would contribute to the higher quality of the Action Plan.
- Reports on the implementation of the Action Plan should be available to the public on a trimestral basis.
- Some new activities may be added to the next Action Plan in accordance with the set goals, while some activities should be better and more precisely defined.
- The EU Digital service act and the Media Freedom Act should be taken into account when creating a new Action Plan for the Media Strategy and for Media Laws.
- The working group for the preparation of the Action Plan is too large, it should be reduced so that it could be more efficient.

(Self)regulatory mechanisms should be strengthened, and public money available primarily to the media that perform their work professionally.

This report presents key recommendations from the round table, many of which will require further consideration.

At the round table entitled “**Media strategy – how to proceed?**”, the participants discussed about what had been planned and implemented in the first two years of the Media Strategy, what the challenges were and how to overcome them. The question was raised as to what needed to be done, what activities should be implemented in order for the Strategy to function. National and foreign experts in the sphere of media issues, representatives of civil society and state institutions and representatives of the CRTA team attended the round table and participated in the discussion. The following topics were discussed:

- media scene in Serbia,
- creation of media policies,
- improvement of the legal framework for the regulation of the position of the media,
- independence of the public service,
- safety and socioeconomic status of journalists,
- media project co-financing, and the like.
- namely, everything that is foreseen to be improved by the Action Plan for the implementation of the Media Strategy.

The discussion started with the presentation of what was foreseen and how far the implementation of the Action Plan for Media Strategy (AP) has come. Five areas and goals in the Media Strategy were presented:

1. Improving the security and socio-economic position of journalists, as well as working conditions;
2. Establishing a fair media market, without political influence;
3. Mechanisms to protect the media from external influences and consistent application of public policy and regulations.;
4. Increasing the objectivity and variety of media content in the media in the languages of national minorities;
5. Improvement of media literacy.

The current Action Plan is valid until the end of 2022, and it was concluded that the process of creating a new one, which would refer to the period 2023-2025, should be started immediately. It was established that the AP was created according to a new methodology, that it was a good umbrella strategic document, but that its implementation backslid. 11 activities foreseen by the Action Plan have not even started, 15 activities have started but have not reached an ending, 41 activities have been completed or are being carried out continuously (namely: data on the number of employees was collected, an analysis was made, a corpus of activities on project co-financing, support to minorities and minority groups and the civil sector, media literacy training, etc.). The Working Group for the Implementation of the AP had regular meetings with state authorities, but over time they became less frequent and stopped in October 2021. It was said that they had met with Prime Minister Ana Brnabić at the beginning of June, where representatives of media and journalist associations, who are members of the Working Group, agreed that part of the activities from the action plan had been done, but that there were delays in implementation. There are indications that activities will continue, but those indications are not specified. Furthermore, it was noted that time was wasted on the Law on Public Information and Media (stopped in October), that there was a delay in the adoption of amendments to the law, and that it was very important to speed up that process. The Prime Minister assured them that the law would be completed. The PM also said that the new working group for the implementation of the Action Plan for Media Strategy would be formed, and that it should be more operational and have fewer members. She would also meet with it for the drafting of the law. The general impression is that there is no political will to improve the media system in Serbia.

1. When it comes to the improvement of security and the socio-economic position of journalists, it was noted that there was no progress. Some solutions were subject to manipulation and abuse. We do not know the exact number of media workers, journalists, nor their socioeconomic position, i.e. we have only imprecise data on their income. Also, there are no conditions for signing a collective agreement.

2. The analysis of the media market is, in the opinion of the participants of the round table, the most important, but it has not even started due to a lack of financial resources. Efforts are underway to find additional funding to complete it. One part of the analysis was done with the help of the permanent mission of the OSCE in Serbia, and some recommendations were included in the law.

3. Project co-financing of media content of public interest – participants of the round table agree that a number of problems exist in this area. The question was raised as to which topics are of public interest. The competence of the RTS programme council and its choice were challenged, given that it is responsible for the content that is broadcast.

Data on project co-financing were presented, showing which media received the most public money, and the ownership structure of the media. According to these data, money is received by media that are close

to the government structures, media that promote the ruling structure, and media that spread misinformation.

The opinion was expressed that the allocation of funds by the state, even if a solution is found in the law, will remain out of control, because there are no good control mechanisms. The level of impunity is so high that there are no longer attempts to hide the entire system. Practically, everything turned into a simple distribution of money. Therefore, a different mechanism must be found, and the proposal is to have a system similar to the public procurement.

The topic of discussion was also the media content that is being broadcast. The Independent Journalists' Association of Serbia insisted on an analysis of the need for media content, which would precede the announcement of the competition for the allocation of project co-financing. The proposal is to include in the law itself a provision that more precisely defines the Code for media, and to limit the access to project co-financing to those media that violate it. Also, the competition committee should undergo joint training, so that they are more in agreement with regard to decision-making. A proposal for attributing scores to the members of the competition committee was added.

In regard to the privatisation of the media, it was said that the process was reaching the end, and that there were just a few technical glitches. The privatisation of Politika AD, the daily newspaper Dnevnik Bečej and RTK (Radio-television Kragujevac) is yet to be completed.

4. An analysis was made about people with disabilities, about how accessible the media are to them. The analysis showed that they were deprived and that the problem should be addressed. The speakers did not dwell on this topic.

5. It was noted that the greatest progress had been made in the area of media literacy in cooperation with the Ministry of Culture and Information through a greater number of activities. The new Media Strategy and the accompanying Action Plan foresee a series of activities aimed at the systemic development of this area. As it was said, the development of the field of media literacy aims to enable Serbian citizens of all ages to use media and media content in a critical and purposeful way, to understand the content of media messages and the process of their creation, but also to actively participate in that process.

At the end of the discussion, the opinion was expressed that some new things should be taken into account and added to the existing Action Plan, such as media monopoly, illegal media concentration, not only in view of the ownership, but also of the monopoly over content and ideas (for example, promotion of pro-government ideas). As a solution, it was suggested that the ministries hire independent research bodies that do permanent monitoring and determine which media are covered by the monopoly. Some experiences from Europe were also presented.

It was established that time and energy were wasted on drafting laws and regulations, but that there was no will for changes, and no government's will to start implementing and executing laws. The problem is in societies, such as ours, which are used to circumventing laws that foresee improvements.