

# IN EFFECT, DO WE ELECT IMAMO LI IZBORA



## Report

### Discussion Table: **Ensuring media pluralism: The role of regulators in safeguarding diversity**

Conference: ["In effect, do we elect?"](#)

October 24, 2024

Materials used in the roundtable discussion are available [here](#).

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The roundtable discussion titled "*Ensuring media pluralism: The role of regulators in safeguarding diversity*" focused on media pluralism and the role of the Regulatory Authority for Electronic Media (REM). Participants had the opportunity to exchange views on potential solutions, proposals, and necessary steps for ensuring media pluralism, as well as improving REM's role in this area. The discussion was closed to the public.

The main topic of discussion was the functioning and conduct of REM, as it was highlighted that, without an independent, transparent, and proactive regulator, it is impossible to effectively ensure media pluralism. In this regard, several key observations and conclusions were noted:

- The new EU media regulation reaffirms existing obligations of regulatory bodies while introducing new competencies concerning digital platforms. It was concluded that old "political wounds" must first be healed and a revolutionary change in REM must occur before implementing the new EU media regulation to ensure its effectiveness.
- Significant passivity and lack of transparency in REM's work were highlighted, including its failure to act on complaints and carry out other legal obligations.
- An interpretation of the provisions of the Law on Electronic Media concluded that, unless the Constitutional Court rules on the initiative submitted by the REM Council to assess constitutionality and legality, the mandate of the current REM Council members will indeed end on November 4th. It was noted that there are conflicting statements from high-ranking officials regarding when the new REM Council will be elected.
- It was announced that opposition members of parliament will initiate convening a session of the Committee for Culture and Information to launch the process of selecting new REM Council members.

- It was concluded that a platform for dialogue between all relevant stakeholders is needed, which could be initiated by civil society.

## **I EU Media Regulation**

In the context of presenting the European media legislative framework, three key points were emphasized: ensuring working conditions for journalists, the importance of media as the primary source of information for citizens, and the role of regulators. Regarding journalists' working conditions, the necessity of ensuring the safety of journalists' lives, as well as existential security in terms of good working conditions (adequate contractual relations and remuneration), was stressed. The importance of media in informing citizens was also highlighted, along with the question of how to preserve journalism given that traditional media are becoming powerless compared to digital platforms, which, although not media in the traditional sense, are taking on that role. The role of digital platforms as primary "gatekeepers" can contribute to but also jeopardize media pluralism. Therefore, the new European Media Freedom Act (EMFA), which represents the first law in this area in the EU, should be viewed in a complementary way with the Digital Services Act (DSA), the Digital Markets Act (DMA), and the AI Act. Regarding the role of regulatory bodies, European regulations reaffirm the established role of regulators but extend it to the online space. It was pointed out that pluralism includes the involvement of different groups and is not an end in itself but contributes to the rule of law and the protection of human rights. It was concluded that, in comparison to the European legislative framework, Serbia lags behind, and the recommendations arising from this part of the discussion are that old "political wounds" must first be healed, a revolutionary change in REM must be made, and only then can the implementation of European media regulations begin to be effective.

## **II REM's Conduct**

During the discussion, it was emphasized that media regulation in Serbia not only lags behind European standards but that the latest amendments to the Law on Electronic Media represented a step backward, allowing media ownership to revert to the state and providing a "grace period" to current REM Council members from the entry into force of the amendments until the end of their mandates. The main part of the discussion focused on assessing REM's conduct, with a suggestion that REM should, following the example of the French regulator (ARCOM) or the British regulator (OFCOM), ensure respect for political pluralism in the media. It was also highlighted that REM does not act on citizens' complaints or acts with delays of up to six months, does not publish decisions on complaints, and does not produce reports on the monitoring of media service providers' programs during election campaigns. It was pointed out that REM's conduct is also influenced by poor legislative solutions that provide too short a deadline during election campaigns for decision-making on complaints. Supporting this, it was mentioned that OFCOM determines its own deadlines for decision-making. Another argument was that no one from REM was part of the working group dealing with the amendments to the law, and it is necessary for the law to provide complete independence from other branches of government. However, it was also argued that short deadlines prescribed by law cannot justify REM's passivity and lack of transparency, as responses to complaints are delayed by more than six months, and when decisions are made, they usually lack adequate reasoning. The example

of the Anti-Corruption Agency was also given, which is legally obliged to conduct proceedings and decide during the election campaign within deadlines expressed in days. It was concluded that dialogues on this issue must continue, involving all interested parties, in order to come up with concrete solutions to improve the efficiency of the regulatory body. Such a dialogue could be initiated by civil society.

### **III New REM Council**

The discussion also questioned the functioning of REM after November 4th, 2024, specifically whether the current REM Council members' mandates will end in accordance with the Law on Electronic Media or if the Council will continue to operate. It was concluded that, based on the linguistic interpretation of the provisions of the law, the mandates of the REM Council members will end on November 4th unless the Constitutional Court initiates proceedings to assess the constitutionality and legality of that provision based on the Council members' initiative and issues a temporary measure allowing them to remain in position until the Court's decision or until the full five-year term expires. It was also emphasized that conflicting information appears in the public regarding this process, with the Minister of Information saying that the appointment process for new members will not start until the Constitutional Court decides, while the Minister for European Integration claims that the members' mandates will end on November 4th. Recommendations from this part of the discussion rely on the aforementioned recommendation that a revolutionary change in REM is necessary, and it is proposed that legally authorized proposers consider and select specific individuals to be their candidates as soon as possible. It was also noted that those who have the opportunity will, as soon as possible, try to initiate the convening of a session of the Committee for Culture and Information in the Assembly to launch the process of appointing new REM Council members.