

[For English version, please scroll down](#)



PRAVNI MONITORING MEDIJSKE SCENE U SRBIJI LEGAL MONITORING OF THE SERBIAN MEDIA SCENE

Monitoring novosti 43 / Monitoring Newsletter 43



APRILSKI MONITORING IZVEŠTAJ OBJAVLJEN NA SAJTU ANEM-a!

U Četrdeset trećem Monitoring Izveštaju, za april 2013, saznaćete:

- **Sloboda izražavanja** – *pretnje i pritisci*: analiza 4 slučaja koja ukazuju na moguće povrede slobode izražavanja – nastavak kampanje SNP NAŠI za zabranu pojedinih medija i nevladinih organizacija, koje ta organizacija naziva „stranim agentima“ i „antisrpskim“, kao i nastavak previranja u TV Jedinstvo iz Novog Pazara, otkazima koje je dobilo 14 zaposlenih od strane „novog direktora“ te televizije; pretnje uredniku niškog portala „Južne vesti“, zbog objavljenih tekstova o zloupotrebama pri zapošljavanju u JKP Gradske toplane Niš, privilegovanjem stranačkih kadrova SNS-a, i slučaj u Čačku – otvorena izjava lokalne funkcionerke SNS-a i članice Komisije za dodelu sredstava za javno informisanje da će se pri donošenju odluke zalagati da oni mediji koji kritički izveštavaju o radu lokalnih SNS organa, funkcionera ili kadrova, dobiju umanjena sredstva na konkursu ili da ih uopšte ne dobiju; *sudski postupci*: analiza presude presuda Višeg suda u Beogradu, u slučaju Emir Kusturica vs. E-novine i Petar Luković – postupak za naknadu štete zbog povrede časti i ugleda putem medija, nastale objavljivanjem teksta „Jedna mala sarajevska analiza“ koji je preuzet sa drugog portala;
- **Implementacija postojećih zakona** – *Zakon o radiodifuziji*: kako se primenjuju zakonske odredbe koje se odnose na zaštitu maloletnika i poštovanje dostojanstva ličnosti u radio i TV programima – povodom svojevrsnog „poravnanja“ RRA sa Televizijom Pink, koja je prihvatila da jedan serijal skinе s programa, a drugi emituje tek u kasnim večernjim satima; pitanje eventualne primene regulacije koja važi u sektoru elektronskih medija na tradicionalne štampane medije i njihova onlajn izdanja – povodom dogovora Saveta za štampu i RRA o međusobnoj saradnji, zbog uočene pojave da se delovi rijaliti programa, kojih nema u TV programima zbog oštrije regulacije, prezentuju u štampi i na Internet prezentacijama štampanih medija;
- **Usvajanje novih zakona** – zbog čega je došlo do zastoja u medijskoj reformi; šta treba da donese novi Zakon o oglašavanju čija je izrada otpočela;
- **Rad nadležnih organa** – *regulatorna tela*: kako su se RRA i Ratel u ovom periodu bavili frekvencijama koje su ostale upražnjene nakon oduzimanja dozvole TV Avali; koji je osnov za odluku RRA o raspisivanju javnog konkursa za izdavanje dozvole za (analogno) emitovanje televizijskog programa sa nacionalnim pokrivanjem, na upravo tim frekvencijama; kakva je pravna situacija stvorena u pogledu dalje procedure usvajanja izmena Ratel-ovog Pravilnika o utvrđivanju Plana raspodele frekvencija/lokacija, koje te iste frekvencije predviđaju za širenje Inicijalne mreže za testiranje digitalnog TV signala; *državni organi*: zbog čega se Zaštitnik građana u ovom periodu bavio kršenjem Zakona o oglašavanju i na šta je posebno ukazao u svom saopštenju;
- **Proces digitalizacije** – kakav uticaj na proces digitalizacije može imati odluka RRA o raspisivanju tendera za još jednu analognu komercijalnu televiziju, i koje su finansijske implikacije i posredna šteta koju Republika Srbija može da pretrpi usled usporavanja digitalizacije;
- **Proces privatizacije medija** – kakve posledice može imati kašnjenje u donošenju Zakona o javnom informisanju i medijima na rokove za privatizaciju medija i primenu modela projektnog finansiranja, i kako to može da utiče na reformu medijskog sistema i opstanak velikog broja medija;

- **Zaključak Izveštaja** – zašto i kako su zastoj u medijskoj reformi i raspisivanje tendera za još jednu analognu nacionalnu komercijalnu televiziju obeležili april 2013.g.

Četrdeset treći Monitoring Izveštaj uradio je stručni tim Pravne službe ANEM-a, advokatske kancelarije „Živković&Samardžić“, u saradnji sa ANEM-om. Pročitajte ga u celosti ili u delovima, [ovde](#)

Ovaj, kao i svi prethodni Monitoring Izveštaji, Publikacije i izveštaji sa monitoring okruglih stolova, su na jednom mestu – u rubrici Monitoring medijske scene na web sajtu ANEM-a!



Kingdom of the Netherlands

*Realizaciju ovog projekta, finansijski je podržala Ambasada Kraljevine Holandije
Izneti stavovi pripadaju isključivo autorima i ne moraju predstavljati zvaničan stav
Ambasade Kraljevine Holandije*

<http://serbia.nlembassy.org/>



FONDACIJA ZA OTVORENO DRUŠTVO, SRBIJA
OPEN SOCIETY FOUNDATION, SERBIA

*Realizaciju ovog projekta, finansijski je podržala Fondacija za otvoreno društvo, Srbija
Izneti stavovi pripadaju isključivo autorima i ne moraju predstavljati zvaničan stav
Fondacije za otvoreno društvo, Srbija*

English version



MONITORING REPORT FOR APRIL PUBLISHED ON ANEM WEBSITE!

In the Forty-Third Monitoring Report for April 2013, you will read about:

- **Freedom of expression – threats and pressures:** analysis of 4 cases that indicate possible violations of freedom of expression – continued campaign of SNP NASI to ban certain media and non-governmental organizations, labeling them as “foreign agents” and “anti-Serb”, as well as continued turmoil in TV Jedinstvo from Novi Pazar, marked by dismissals of 14 employees by the “new director” of the TV station; threats made to chief editor of Nis-based web portal “Juzne vesti” over the articles about abuses of employment procedures in Public Utility Company “Gradske toplane Nis” by giving privileges to SNS party members, and the case in Cacak – an open declaration of the local official of the SNS and member of the Commission for allocation of funds for public information that while deciding on how the funds would be allocated, they would see that the media critical in their reporting of the work of local SNS authority officials or employees would receive less funding through the competitions, or even no funding at all; *court proceedings:* an analysis of the judgment of the Higher Court in Belgrade, in the case of Emir Kusturica Vs. E-Novine and Petar Lukovic – an action for compensation of damages for hurting the film director’s honor

and reputation in the media, by publishing the text “A Little Analysis from Sarajevo” taken from another website;

- **Implementation of existing legislation** – the *Broadcasting Law*: application of the legal provisions relating to the protection of minors and human dignity in respect of radio and TV programs – regarding some sort of “settlement” between the RBA and TV Pink, which agreed to have one of the problematic shows removed from the program, and not to air the other before the late evening hours; the issue of the possible application of the regulation for electronic media sector to traditional print media and their online editions – regarding the cooperation agreement reached between the Press Council and the RBA, which was initiated due to the observation that parts of reality programs, which were excluded from the TV program due to stricter regulation, were largely promoted in the printed editions and particularly on Internet websites of newspapers;
- **Adoption of new laws** – what has caused the delay in the process of media reforms; what should be contained in the new Advertising Law, whose drafting has already begun;
- **Work of the competent authorities** – *regulatory bodies*: how have the RBA and RATEL dealt in this period with frequencies that have remained vacant after revocation of broadcasting license of TV Avala; what was the grounds for the decision of the RBA to call a public tender for the issuance of license for (analog) television broadcasting with national coverage on those frequencies; what legal situation has been created in the process of adopting Ratel’s Amendment to the Rulebook on Laying down the Plan for the Allocation of Frequencies/Locations for Terrestrial Analog FM and TV Broadcasting Stations, which has foreseen the same frequencies to be used for the expansion of the initial network for testing digital TV signal; *state authorities*: why has the Ombudsman dealt with violations of the Advertising Law in this period and what did he particularly pointed out in his statement;
- **Process of digitalization** – what impact the RBA decision to call a tender for yet another analog commercial television station may have on digitalization and what are the financial implications and indirect damage that the Republic of Serbia may suffer due to a slowdown of the entire process;
- **Process of privatization of media** – possible consequences of the delay in the adoption of the Law on Public Information and Media on the deadlines for the privatization of the media and the application of the model of project financing, and how it can affect the reform of the media system and the survival of a large number of media;
- **Conclusion of the Report** – why and how have the delay in media reform and the tender for another national commercial analog television marked the April 2013.

Forty-third Monitoring Report was done by an expert team of ANEM Legal Department, law office “Zivkovic&Samardzic”, in cooperation with ANEM. Read it whole or in part, [here](#)

This Monitoring Report, like all the previous Reports, Publications and reports from monitoring roundtables, can be found in one place – in the section Monitoring of Serbian Media Scene on the ANEM website!



Kingdom of the Netherlands

*This project is financially supported by the Embassy of the Kingdom of the Netherlands
The content of this Report is the sole responsibility of the authors and does not necessarily reflect the views of the Embassy of the Kingdom of the Netherlands*

<http://serbia.nlembassy.org/>



FONDACIJA ZA OTVORENO DRUŠTVO, SRBIJA
OPEN SOCIETY FOUNDATION, SERBIA

*The implementation of this project is financially supported by the Open Society Foundation, Serbia
The content of the Report is the sole responsibility of the authors and does not necessarily reflect the views of the Open Society Foundation, Serbia*