



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

Monitoring novosti 45 / Monitoring Newsletter 45



**NAJNOVIJI IZVEŠTAJI NA WEB SAJTU ANEM-a:
MONITORING IZVEŠTAJ 45 – ZA JUN 2013. I IZVEŠTAJ SA MONITORING OKRUGLOG STOLA VIII**

1. U JUNSKOM MONITORING IZVEŠTAJU (BR.45) PROČITAJTE:

- **Sloboda izražavanja** – u delu *pritisci i pretnje*, obrađena su 3 slučaja: fizički napad na dopisnika „Kurira“ iz Novog Sada, koji je izveštavao o smrti predsednika FK „Vojvodina“; reakcija ministra finansija na pisanje „Informer“ o njegovoj umešanosti u jednu finansijsku aferu; opomena Poreske uprave „Našim novinama“ za izmirenje poreskih obaveza, nakon objavljivanja teksta o ministru finansija; u delu *sudski postupci*, autori se bave: povlačenjem 2 tužbe narodnog poslanika koje je podneo Višem sudu u Čačku protiv istog novinara povodom njegovih tekstova u „Pressu“ i „Čačanskim novinama“ (tužen je i izdavač ovog lista) u kojima je preneti izjava tog poslanika data povodom privatizacije jedne čačanske fabrike; odlukom Ustavnog suda Srbije kojom je obavezao Vladu Srbije da da objašnjenje zbog čega su radna dokumenta na osnovu kojih je posle ubistva premijera Srbije nastao izveštaj tzv. Koraćeve komisije i dalje pod oznakom državna tajna; prvostepenom presudom Privrednog suda u Beogradu u sporu koji je medijska kuća B92 pokrenula protiv izdavača dnevnog lista „Informer“ zbog povrede njenog žiga „Insajder“;
- **Implementacija postojećih zakona** – *Zakon o radiodifuziji*: ovlašćenja, obaveze i kapaciteti RRA za sprovođenje javnih konkursa za dodelu dozvola za emitovanje programa;
- **Usvajanje novih zakona** – autori se bave Zakonom o posebnim ovlašćenjima radi efikasne zaštite prava intelektualne svojine, Zakonom o javnom informisanju i medijima i Zakonom o elektronskim medijima;
- **Rad nadležnih organa** – regulatorna tela: Ratel – aktivnosti usmerene na suzbijanje neovlašćenog emitovanja radio i TV programa; državni organi: Poverenik za informacije od javnog značaja i zaštitu podataka o ličnosti: analizirana je presuda Evropskog suda za ljudska prava kojom je Sud utvrdio da je Republika Srbija prekršila član 10. Evropske konvencija za zaštitu ljudskih prava i osnovnih sloboda – sloboda izražavanja, u kontekstu pristupa informacijama od javnog značaja (povodom predstavljenosti Inicijative mladih za ljudska prava, koja je u oktobru 2005. godine od BIA zahtevala podatke o broju prisluškivanih lica u toj godini); analizirana je odluka Ustavnog suda da u postupku pokrenutom po inicijativi Zaštitnika građana i Poverenika za informacije od javnog značaja i zaštitu podataka o ličnosti proglasi neustavnim pojedine odredbe Zakona o elektronskim komunikacijama u pogledu pristupa zadržanim podacima; Ministarstvo kulture i informisanja – analizirano je rešenje o raspodeli sredstava za sufinansiranje projekata/programa iz oblasti javnog informisanja za 2013. godinu;
- **Proces digitalizacije** – šta je rečeno o procesu digitalizacije u Srbiji na regionalnoj konferenciji u Beogradu, koju je RRA organizovala pod okriljem projekta Digi TV, koji okuplja nezavisne regulatore Jugoistočne Evrope a odnosi se na proces digitalizacije u ovom regionu;
- **Proces privatizacije medija** – dileme koje u ovoj oblasti stvara kašnjenje sa usvajanjem medijskih zakona;
- **Zaključak Izveštaja** – autori ukazuju na značaj sprovođenja medijske reforme za pregovore o pristupanju Evropskoj uniji.

Četrdeset peti 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](#)

2. IZVEŠTAJ SA MONITORING OKRUGLOG STOLA VIII

Monitoring okrugli sto VIII ANEM-a održan je u Beogradu 10. jula 2013. Na njemu je javno predstavljena [Osma Monitoring Publikacija](#) ANEM-a koja sadrži tekstove o aktuelnim medijskim pitanjima (medijska reforma i pitanje državne pomoći medijima), kao i o onim koja su uvek značajna i aktuelna (sloboda izražavanja i medijska pismenost), i prikaz dve presude Evropskog suda za ljudska prava iz Informatora o praksi Suda, koje se odnose na slobodu izražavanja. Događaju je prisustvovao veliki broj zainteresovanih strana, preko 40 učesnika. U [izveštaju](#) sa ovog okruglog stola možete pročitati šta su autori tekstova rekli predstavljajući Publikaciju, kao i o čemu su diskutovali učesnici ovog okruglog stola nakon prezentacije Publikacije.

**Oba ova izveštaja nalaze se na web sajtu ANEM-a, u rubrici [Monitoring medijske scene](#),
gde su dostupni i ostali objavljeni Monitoring Izveštaji, Monitoring Publikacije
i izveštaji sa monitoring okruglih stolova!**



Kingdom of the Netherlands

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THE LATEST REPORTS ON ANEM WEBSITE

[MONITORING REPORT 45 – FOR JUNE 2013 AND REPORT FROM MONITORING ROUND TABLE VIII](#)

1. IN THE MONITORING REPORT 45 FOR JUNE READ ABOUT:

- **Freedom of expression** – in the part of the Report dealing with *pressures and threats*, 3 cases are analyzed: physical assault on a journalist – correspondent of the daily “Kurir” from in Novi Sad, who was reporting on the death of the President of FC “Vojvodina”; reaction of the Finance Minister on the writing of the daily “Informer” about his alleged involvement in a financial affair; warning notice of the Serbian Taxation Office to “Nase Novine” to settle their tax payments, which arrived after the newspaper had published the text about the Minister of Finance; in the part *court proceedings*, the authors are dealing with: withdrawing of two lawsuits of a MP filed to the Higher Court in Cacak against one journalist regarding his articles published in the “Press” and “Cacanske novine” (the publisher of this newspaper was also sued), which contained the statement of the MP regarding privatization of a Cacak factory; a decision of the Constitutional Court of Serbia, which obliged the Serbian Government to explain why were the working papers, used as a basis for compiling a report of the so-called “Korac’s Commission” after the assassination of Serbian Prime Minister, still marked as top secret; the first instance judgment of the Commercial Court in Belgrade in dispute that the broadcaster B92 initiated against the publisher of the daily “Informer” for violation of the broadcaster’s trademark “Insider”.

- In the part **implementation of existing laws**, the authors deal with the application of the *Broadcasting Law*, namely the powers and responsibilities of the RBA in public tender procedures for the allocation of broadcasting licenses and indicate a lack of capacity of the RBA to concurrently run multiple competitions.
- **The process of adoption of new laws** – the authors deal with the *Law on Special Powers for effective protection of intellectual property rights*, the *Law on Public Information and Media* and the *Law on Electronic Media*.
- **The work of competent authorities** – authors analyze the work of the *regulatory body Ratel*, namely activities aimed at combating unauthorized broadcasting of radio and TV programs; work of *state bodies – activities of the Commissioner for Information of Public Importance and Personal Data Protection*: a judgment of the European Court of Human Rights, in which the Court found that Serbia had violated Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms – freedom of expression, in the context of access to information of public importance (regarding the application of the Youth Initiative for Human Rights, which requested, back in October 2005, information from the Security Intelligence Agency BIA on the number of wiretapped persons in that year); the decision of the Constitutional Court to proclaim unconstitutional certain provisions of the Law on Electronic Communications with respect to access to retained data, in the proceedings launched on the initiative of the Ombudsman and the Commissioner for Information of Public Importance and Personal Data Protection; the *Ministry of Culture and Media* – the solution for the allocation of funds for co-financing of projects/programs in the field of public information for the year 2013.
- **The process of digitalization** – what was said about the process of digitalization in Serbia at a regional conference in Belgrade, organized by the RBA within the Digi TV project, which gathers independent regulators from the Southeastern Europe around the process of digitalization in the region.
- **The process of privatization** – dilemmas created in this area by slow adoption of the media laws.
- In the **Conclusion of the Report**, the authors point to the importance of implementing media reforms for further EU accession talks.

The Forty-fifth Monitoring Report is done by an expert team of ANEM Legal Department, law office "Zivkovic&Samardzic", in cooperation with ANEM. Here you can download it whole or in part, [here](#).

2. REPORT FROM MONITORING ROUND TABLE VIII

ANEM Monitoring Roundtable VIII was held on July 10, 2013 in Belgrade, to publicly present the [Eighth Monitoring Publication of ANEM](#), containing texts on current media issues (media reform and state aid to media), as well as the issues that are always important and topical (freedom of expression and media literacy). The Publication also includes the overview of two judgments passed by the European Court of Human Rights, taken over from the Information Notes on the Court's case law relating to freedom of expression. The event was attended by a large number of stakeholders, over 40 participants. In this [report](#) from this round table, you can find out what the authors of the texts in the publication said, as well as what was being discussed in the part of the event following the presentation of the Publication.

Both of these reports are available on ANEM website, in the section [Monitoring of the media scene](#), where you can also find all previously published Monitoring Reports, Monitoring Publications and reports from the monitoring round tables!



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