



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

Monitoring novosti 54 / Monitoring Newsletter 54



MONITORING IZVEŠTAJ br. 54 NA SAJTU ANEMA-a - MEDIJSKA SCENA SRBIJE U JULU 2014 -

Kratak sadržaj Izveštaja:

- **Sloboda izražavanja** – mediji i novinari su u ovom periodu bili izloženi i brutalnim fizičkim napadima i brutalnim pretnjama: analiziran je fizički napad na urednika FoNeta, kao i tri slučaja pretnji novinarima u kontekstu člana 138. Krivičnog zakonika, koji reguliše krivično delo ugrožavanje sigurnosti. Pored toga, analiziran je i slučaj navodne ucene jednog malog privrednika od strane medija, čiji način rešavanja ukazuje na stepen urušenosti institucija sistema; u delu o sudskim postupcima analizirana je presuda Višeg suda u Beogradu u sporu za naknadu štete istaknutog privrednika protiv medija, koja je u značajnoj meri bazirana na sudskoj praksi Evropskog suda za ljudska prava u primeni člana 10 Evropske konvencije za zaštitu ljudskih prava i osnovnih sloboda;
- **Implementacija postojećih zakona** je obrađena u drugim odeljcima ovog izveštaja – implementacija Zakona o javnom informisanju u delu Sloboda izražavanja, a Zakona o radiodifuziji u delu Monitoring rada regulatornih tela;
- **Usvajanje novih zakona** – autori se bave postupkom donošenja seta medijskih zakona (o javnom informisanju i medijima, o elektronskim medijima i o javnim medijskim servisima) po hitnom postupku koji je otpočeo krajem meseca;
- **Rad nadležnih organa** – regulatorna tela: RRA – vršenje nadzora nad vođenjem elektronske evidencije emitovanja i reemitovanja autorskih dela i ovlašćenja RRA u vršenju tog nadzora; RATEL – šta je potencijalna opasnost spajanja RATEL-a i RAPUS-a; koje su po medijski sektor moguće negativne posledice zaključka RATEL-a u vezi sa naplatom naknada za korišćenje radio frekvencija; državni organi – nadležna ministarstva za medije i telekomunikacije – o čemu je bilo reči na Bilateralnom skriningu za pregovaračko poglavlje 10 – informaciono društvo i mediji; Poverenik za informacije od javnog značaja i zaštitu podataka o ličnosti – prvi rezultati nadzora Poverenika nad Internet servis provajderima u vezi sa zaštitom privatnosti i poverljivosti komunikacija; koje mere predlaže Poverenik da bi se informacije o organima javne vlasti učinile dostupnim građanima, uključujući i medije; Odbor Narodne skupštine za kulturu i informisanje – prvo javno slušanje na temu regulisanja pitanja kolektivnog ostvarivanja autorskog i srodnih prava dramskih, filmskih i televizijskih umetnika i interpretatora i zašto je najavljeno rešenje tog pitanja sporno; organizacije za kolektivno ostvarivanje srodnih prava (OFPS i PI) – pitanje jedinstvene tarife naknada OFPS-a i PI za kablovske operatore i za javne medijske servise (RTV i RTS).
- **Proces digitalizacije** – kakav položaj imaju lokalne TV stanice u procesu priprema za prelazak na digitalno emitovanje TV programa ;
- **Proces privatizacije medija** – kako je pitanje privatizacije medija rešeno u Predlogu zakona o javnom informisanju i medijima;
- **Zaključak Izveštaja** – autori sumiraju Izveštaj i ukazuju na to šta su preduslovi za ostvarivanje funkcije medija u demokratskom društvu.

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MONITORING REPORT No. 54 ON THE ANEM WEBSITE - SERBIAN MEDIA SCENE IN JULY 2014 -

Summary of the Report:

- **Freedom of expression** – media and journalists were exposed to brutal assaults and threats in July: the Report analyzes the assault on the FoNet news agency editor as well as the three cases of threats to journalists in the context of Article 138 of the Criminal Code that regulates endangerment of safety. Additionally, the report analyzes a case of alleged blackmail of a businessman by media, the solution of which points to the extent the institutions of the system are compromised; in the section on court proceedings, the Report provides an analysis of the verdict of the Higher Court in Belgrade regarding the claim for compensation of damages lodged by a prominent businessman against a media outlet. The verdict is largely based on the practice of the European Court for Human Rights in the application of the Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms;
- **Implementation of existing laws** was covered in other sections of the Report – the implementation of the Law on Public Information in the section Freedom of Expression, and the implementation of the Broadcasting Law in the section Monitoring of the Work of Regulatory Bodies;
- **Adoption of new laws** – the authors deal with the urgent procedure of passing a set of media laws (on public information and media, on electronic media, and on public service broadcasters) that began towards the end of July.
- **The work of responsible bodies** – regulatory bodies: RBA – conducting supervision over electronic records of broadcasting and re-broadcasting copyright-protected works and RBA's competencies in conducting the supervision; RATEL – what potential risk merging of RATEL and RAPUS brings; what are possible negative consequences for the media sector of the RATEL's conclusion regarding collection of fees for radio frequency usage; state bodies – responsible ministries for media and telecommunications – what was discussed at the Bilateral screening for the Chapter 10 – Information Society and Media; Commissioner for Information of Public Importance and Personal Data Protection – first results of the Commissioner's supervision over Internet service providers regarding protection of privacy and confidentiality of communication; the measures the Commissioner suggests in order to make information on public authorities accessible to citizens, including the media; the Committee of the National Parliament for Culture and Information – the first public hearing on regulating collective fulfillment of copyright and related rights of theater, film and television artists and performers and why the announced solution of the issue is disputable; Collective organizations for the protection of copyright and related rights (OFPS and PI) – the issue of unified tariff of fees by OFPS and PI for cable operators and public service broadcasters (RTV and RTS).
- **The digitalization process** – what the position is of local TV stations in the preparation process for digital switchover;
- **The media privatization process** – how media privatization is regulated by the Bill on public information and media;
- **Conclusion of the Report** – the authors summarize the Report and point out the preconditions for the media to fulfil their function in a democratic society.

The Summary and conclusion of the ANEM Legal Monitoring Report no. 54 on Serbian media scene in July 2014 , which was prepared by the expert team of ANEM Legal Department, law office „Živković&Samardžić“, in cooperation with ANEM, is available in English [here](#). The full Report no.54 is available in Serbian [here](#).

Look for other Monitoring Reports, Publications and reports on monitoring round tables on ANEM website, in the section [Monitoring of the Media Scene!](#)



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The contents of the Report are the sole responsibility of the authors and do not necessarily reflect the views of the Civil Rights Defenders.*



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