

MONITORING MEDIA PLURALISM IN THE DIGITAL ERA

APPLICATION OF THE MEDIA PLURALISM MONITOR IN THE EUROPEAN UNION, ALBANIA, MONTENEGRO, THE REPUBLIC OF NORTH MACEDONIA, SERBIA & TURKEY IN THE YEAR 2020

Country report: Serbia

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Research Project Report

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1. About the project

1.1. Overview of the Project

The Media Pluralism Monitor (MPM) is a research tool designed to identify potential risks to media pluralism in the Member States of the European Union and in candidate countries. This narrative report has been produced on the basis of the implementation of the MPM carried out in 2020. The implementation was conducted in 27 EU Member States, as well as in Albania, Montenegro, the Republic of North Macedonia, Serbia and Turkey. This project, under a preparatory action of the European Parliament, was supported by a grant awarded by the European Commission to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.

1.2. Methodological note

Authorship and review

The CMPF partners with experienced, independent national researchers to carry out the data collection and author the narrative reports, except in the case of Italy where data collection is carried out centrally by the CMPF team. The research is based on a standardised questionnaire developed by the CMPF.

In Serbia the CMPF partnered with Irina Milutinovic (Institute of European Studies Belgrade), who conducted the data collection, scored and commented on the variables in the questionnaire and interviewed experts. The report was reviewed by the CMPF staff. Moreover, to ensure accurate and reliable findings, a group of national experts in each country reviewed the answers to particularly evaluative questions (see Annex II for the list of experts). For a list of selected countries, the final country report was peer-reviewed by an independent country expert.

Risks to media pluralism are examined in four main thematic areas: Fundamental Protection, Market Plurality, Political Independence and Social Inclusiveness. The results are based on the assessment of a number of indicators for each thematic area (see Table 1).

Fundamental Protection	Market Plurality	Political Independence	Social Inclusiveness
Protection of freedom of expression	Transparency of media ownership	Political independence of media	Access to media for minorities
Protection of right to information	News media concentration	Editorial autonomy	Access to media for local/regional communities and for community media
Journalistic profession, standards and protection	Online platforms concentration and competition enforcement	Audiovisual media, online platforms and elections	Access to media for women
Independence and effectiveness of the media authority	Media viability	State regulation of resources and support to media sector	Media Literacy
Universal reach of traditional media and access to the Internet	Commercial & owner influence over editorial content	Independence of PSM governance and funding	Protection against illegal and harmful speech

Table 1: Areas and Indicators of the Media Pluralism Monitor

The digital dimension

The Monitor does not consider the digital dimension to be an isolated area but rather as intertwined with traditional media and existing principles of media pluralism and freedom of expression. Nevertheless, the Monitor also extracts digital-specific risk scores and the report contains a specific analysis of risks related to the digital news environment.

The calculation of risk

The results for each thematic area and indicator are presented on a scale from 0 to 100%.

Scores between 0 and 33%: low risk

Scores between 34 to 66%: medium risk

Scores between 67 and 100%: high risk

With regard to indicators, scores of 0 are rated 3% while scores of 100 are rated 97% by default, to avoid an assessment of total absence or certainty of risk.

Disclaimer: The content of the report does not necessarily reflect the views of the CMPF, nor the position of the members composing the Group of Experts. It represents the views of the national country team that carried out the data collection and authored the report. Due to updates and refinements in the questionnaire, MPM2021 scores may not be fully comparable with previous editions of the MPM. For more details regarding the project, see the CMPF report on MPM2021, soon available on: <http://cmpf.eui.eu/media-pluralism-monitor/>.

2. Introduction

The Republic of Serbia is a European, Western Balkans country, with a population of nearly 7 million. Serbia was granted candidate status for the membership in the European Union in 2012.

The Republic of Serbia is a multi-ethnic country, with Serbs accounting for a large majority of 83.32%. The official language is Serbian. The second largest community are Hungarians (3.53%, mostly residing in Vojvodina), followed by the Roma (2.05%, situated mainly in South and East Serbia and in Vojvodina) and Bosniaks (2.02%, South-West Serbia) (SORS, 2011), whose right to official use of their languages and scripts is recognized by the Serbian Constitution.

The total economic activity of Serbia in 2020, measured by real GDP movements, is estimated to have experienced a real decline of 1.1% relative to 2019 (The World Bank, 2021).

The Republic of Serbia is a parliamentary democracy with competitive multiparty elections. For the first time since 2003, in 2020, Serbia fell from the category of partially consolidated democracies into the category of transitional/hybrid regimes (Csaky, 2020: 3, 12). The ruling Serbian Progressive Party (SNS) won elections held on 21 June 2020, thus increasing its power. A nearly full election boycott by opposition parties was justified by the lack of conditions for democratic competition. Therefore, the current Parliamentary structure is almost completely deprived of the oppositional representatives, risking a lack of democratic legitimacy.

The news media concentration indicates a high risk for media pluralism. The top 8 owners across all media sectors have an audience share of almost 75% and contain the largest media which strongly support the ruling party. On the other hand, the independent media struggle to survive. Project co-funding of local and regional media from the state budget has been highly politicised in the last few years.

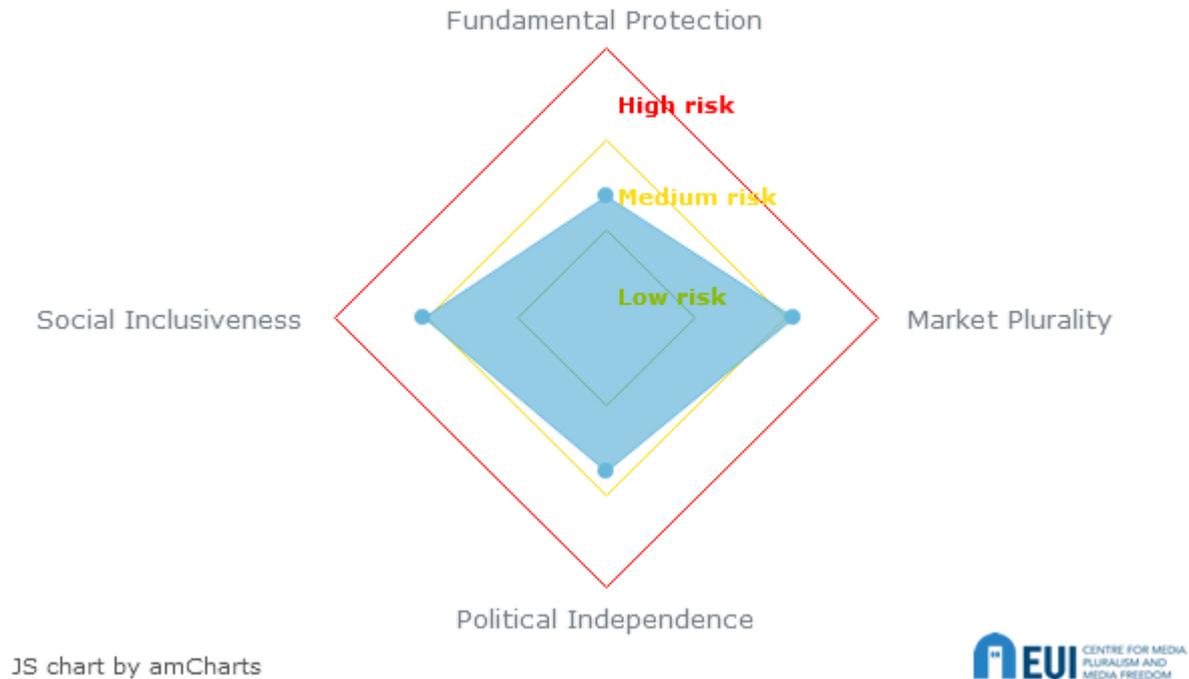
Given the fact that media legislation has not changed since 2014, except for the newly-enacted regulations on state aid control, the Strategy for the Development of the Public Information System in the Republic of Serbia for the period 2020-2025, adopted after four years, raises high expectations.

After falling three places on the Reporters without Borders list in 2020, Serbia now ranks the 93rd. During the state of emergency due to the COVID-19 pandemic (15 March – 6 May 2020), there were several serious challenges both to press freedom and the financial security of the media. The Government's attempt to centralise public information about the pandemic by decree (Government Conclusion, 2020) was not entirely successful since the contested normative act was soon repealed under the pressure of the professional community, after it was applied in the case of arrest of a journalist.

As a result of the pandemic, print media experienced a drop in circulation and advertising revenues, while televisions with national coverage and online news portals increased their audiences. Economic crisis, which particularly affected local media, was mitigated by budget subsidies, maintaining a semblance of their viability.

3. Results from the data collection: assessment of the risks to media pluralism

Serbia: Media Pluralism Risk Areas



Serbia scores a medium risk rating (45%) when it comes to the Fundamental protection area. Although a solid legislative framework is in place, the lack of enforcement leads to medium risk ratings for many indicators. The media authority exists, but is under heavy political control and is ineffective, as it does not use the powers vested in it under the law.

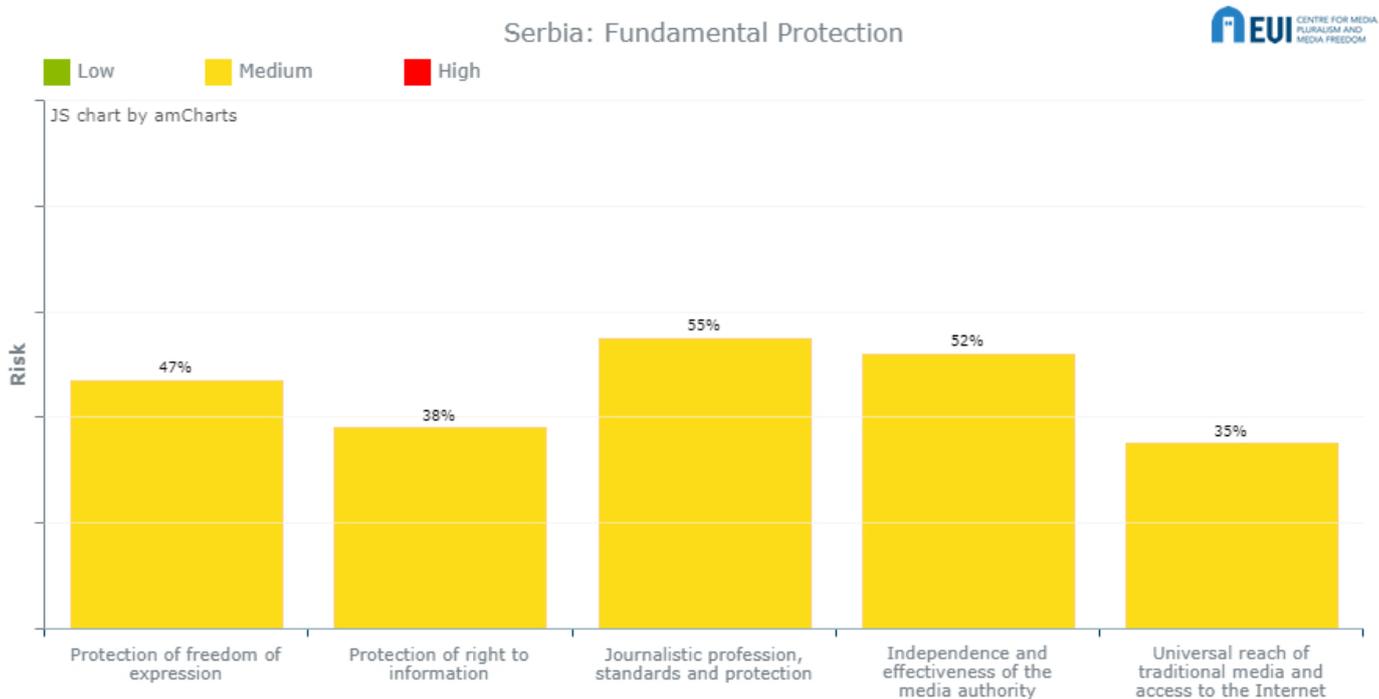
Within the Market plurality area, Serbia scores a high risk of 69%. The major risks come from concentration (news media concentration and online platforms concentration) as well as from commercial and owner influences over editorial content. The major influence was exerted by the ruling elite, directly (through public procurement and state advertising) and indirectly (through the connections of state and party officials with certain media owners and marketing organisations). During the COVID-19 pandemic, the news media sector has been faced with high risks for media viability, which may have underestimated due to the fact that in most cases the market downturn has been counteracted by public aid.

The average Political Independence area risk level indicates a medium rating (57%), but the indicator of Political independence of media itself shows the highest score for all indicators – 92%. Journalists and editors are under heavy political and economic pressure. At the outset of the COVID-19 pandemic, professional associations urged Serbian authorities to guarantee a safe environment for journalists to do their job independently, freely and in the public interest in proving information to citizens at such a critical moment.

The Social inclusiveness risk level indicates 67%; high risks are registered for the indicators of Access to media for minorities (69%), Protection against illegal and harmful speech and Media literacy policy (75% each), while medium risks are recorded for the indicators of Access to media for local/regional communities and for community media (50%) and Access to media for women (65%). The media (especially online) were often misused for spreading scientifically unsupported and misleading content on the pandemic, as well as for fake-news and disinformation on the elections and protests, while the media literacy policy is underdeveloped.

3.1. Fundamental Protection (45% - medium risk)

The *Fundamental Protection* indicators represent the regulatory backbone of the media sector in every contemporary democracy. They measure a number of potential areas of risk, including the existence and effectiveness of the implementation of regulatory safeguards for freedom of expression and the right to information; the status of journalists in each country, including their protection and ability to work; the independence and effectiveness of the national regulatory bodies that have competence to regulate the media sector, and the reach of traditional media and access to the Internet.



Serbia scored a medium risk in the **Fundamental Protection** area (45%). None of the five indicators scored a low or high risk, but the highest risks in this area were registered for the **Journalistic profession, standards and protection** indicator.

The **Protection of freedom of expression** indicator received a score of 47%. The media legislation has been mostly aligned with the EU regulatory framework. Freedom of expression is guaranteed by the Constitution and media laws. However, the implementation of the legal framework is very poor with systematic violations of the exercise of freedom of expression in practice (EC, 2020: 33). The defamation was decriminalised in 2012, but the Insult and Exposure of private and family life stayed within the Criminal Code as Criminal Acts.

The **Protection of right to information** indicator received a 38% - medium-risk score and is explicitly recognized by the Constitution and by a separate law stipulating the right to complain in case of the denial of access to information^[1]. The number of complaints for violations of this right is consistently high and shows an upward tendency year after year. Notably, the authorities have often used the situation caused by the COVID-19 pandemic as an excuse for not acting upon requests for access to information, withholding it as confidential or claiming no data (Commissioner, 2021: 24-25). Whistleblowers have been confronted with numerous administrative obstacles and difficulties in practice (pištaljka.rs, 2020). A more efficient

implementation of the Law on Protection of Whistleblowers No. 128/2014 ^[2] requires an improved environment for the safe and protected whistleblowers, as well as fully independent judiciary authorities.

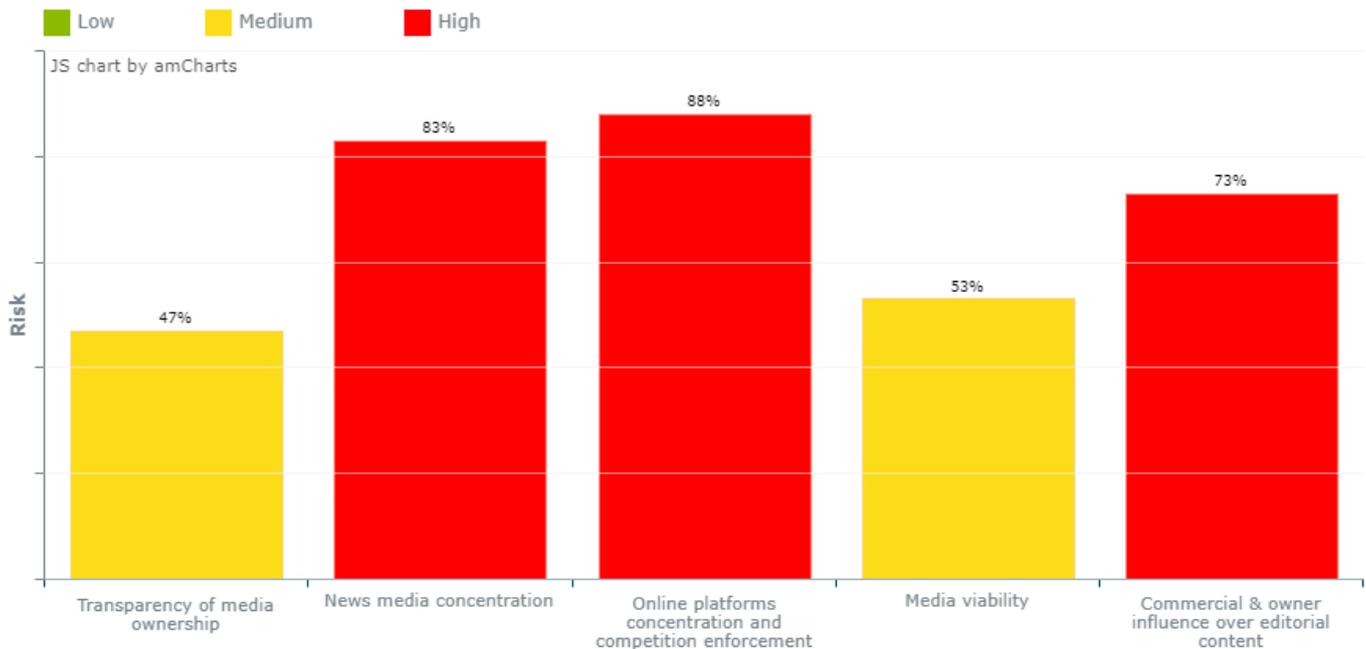
The **Journalistic profession, standards and protection** indicator received a score of 55%. The entry to the profession is open to everyone, without any restrictions or discrimination. However, the journalistic profession is insecure. Its vulnerability is mainly reflected in various forms of violence and pressures, as well as economic risks. There is no collective branch agreement in Serbia; service contracts are easily terminated; except for public service media, the average journalist salary is below the general average salary in the country (UNS, 2020: 29-30). During the 2020 COVID-19 pandemic, intimidation and threats (especially to digital safety) increased, while access to information of public importance decreased. Some journalists were detained; some were targeted as enemies, especially journalists from independent media (OHCHR / TIM / SDC, 2020: 84-88). A number of smear campaigns have been carried out by media supporting the government, sometimes triggered by authority representatives themselves. Female journalists are not safe from physical threats including sexist insults.

The **Independence and effectiveness of the media authority** indicator fell under medium risk score of 52%. Despite the legal definition of the regulator as an independent body, the Regulatory Agency for Electronic Media (REM) has been vulnerable to political influence and financial risk in practice. The reasons for this status are partly related to regulatory shortcomings and partly result from its implementation (Media Strategy, 2020: 24-27). The appointment procedures of the REM Council members, prescribed to minimize the risk of political interference, are usually not respected. The same applies to the tasks and responsibilities of the regulator, defined by the law ^[3], which the regulator does not exercise fully and independently, especially in monitoring whether media providers meet their programmes' obligations, but also during the election campaigns. Appeal mechanisms against the regulatory authority's decisions are only partially effective and occasionally delayed.

The **Universal reach of traditional media and access to the Internet** indicator received a 35% risk score. In 2020, 98% of the population was covered by signal of all public TV and radio channels; 90.5% of households with an Internet connection used a fixed broadband connection, thus implementing the law guarantees of media coverage. The fixed Internet market is characterised by a de facto duopoly of Telekom (state-owned company) and SBB (privately owned corporation). The law does not precisely define the concept of internet neutrality, but a certain level of guarantee is provided under the regulatory framework, which is close to the EU rules.

3.2. Market Plurality (69% - high risk)

The Market Plurality area focuses on the economic risks to media pluralism, deriving from lack of transparency and concentration of ownership, sustainability of the media industry, exposure of journalism to commercial interests. The first indicator examines the existence and effectiveness of provisions on transparency of media ownership. Lack of competition and external pluralism is assessed separately for the news media (production of the news) and for the online platforms (gateways to the news), considering separately horizontal and cross-media concentration; the concentration of online advertising market; and the role of competition enforcement. The indicator on media viability measures the trend of revenues and employment, in relation with GDP trends. The last indicator aims to assess risks to market plurality posed by business interests on production of editorial content, both from commercial and owners influence



The **Market Plurality** area registered the highest risk individually with 69%.

The **Transparency of media ownership** indicator showed a medium risk score of 47%. Media and antitrust laws prescribe mandatory and publicly available records of beneficial owners kept in the registers of the Business Registers Agency (BRA) ^[4]. However, fully transparent ownership is registered for 75% of media companies, while in almost 15 % of cases, data is not available either from the registers or upon request. The existing legal framework fails to provide clear criteria for the deletion of media from the Register as a sanction, does not contain effective sanctions for non-compliance with the legal provisions or established accountability rules for performing control of data accuracy and currency.

The **News media concentration** indicator scored a high risk with 83%. Although the BRA provides financial data on revenues, many data on financial flows in the media market are not available ^[5], such as the market share of the Top 4 audiovisual, radio and newspapers owners' concentration. The audience of these media has been highly concentrated. The existing laws ^[6] introduced the monitoring of media pluralism through listening, viewing and media circulation, which proved to be insufficient parameters for the assessment of media pluralism. The laws do not clearly define methods for measuring these shares, nor provide methods for verifying data on media audience preferences, which is obtained through media publishers' statements and without further verification (Media strategy, 2020: 15). Furthermore, the law does not clearly define REM's procedure in this verification process. Also, "vertical concentration is regulated in a similar way as horizontal concentration, when sanctioning powers, thresholds and authorities are concerned. As the concentration thresholds are set too high, it is practically impossible to reach concentration" (Media Ownership Monitor, 2019). Although vertical concentration of a single company has been forbidden, the laws permit ownership of another type of media or distribution through an affiliated legal entity. During the last few years, a number of sales and acquisitions of media companies have taken place. Several companies were purchased by Telekom Srbija, whose majority stakeholder is the state. As a consequence, in the beginning of 2020, "a lack of agreement on the renewal of a distribution contract with a cable television station led to a drop in access to diverse media for the public" (EC, 2020: 35-36).

The **Online platforms concentration and competition enforcement** indicator scored a high (88%). The field of digital markets is not regulated by any specific law aside from general rules on competition enforcement ^[7] and media law provisions which apply to edited internet pages or internet portals registered in the BRA Media Register. Also, beyond the general provisions of the Advertising Law ^[8], there are not any special provisions which deal with concentration in the online advertising market. The solutions in this Law

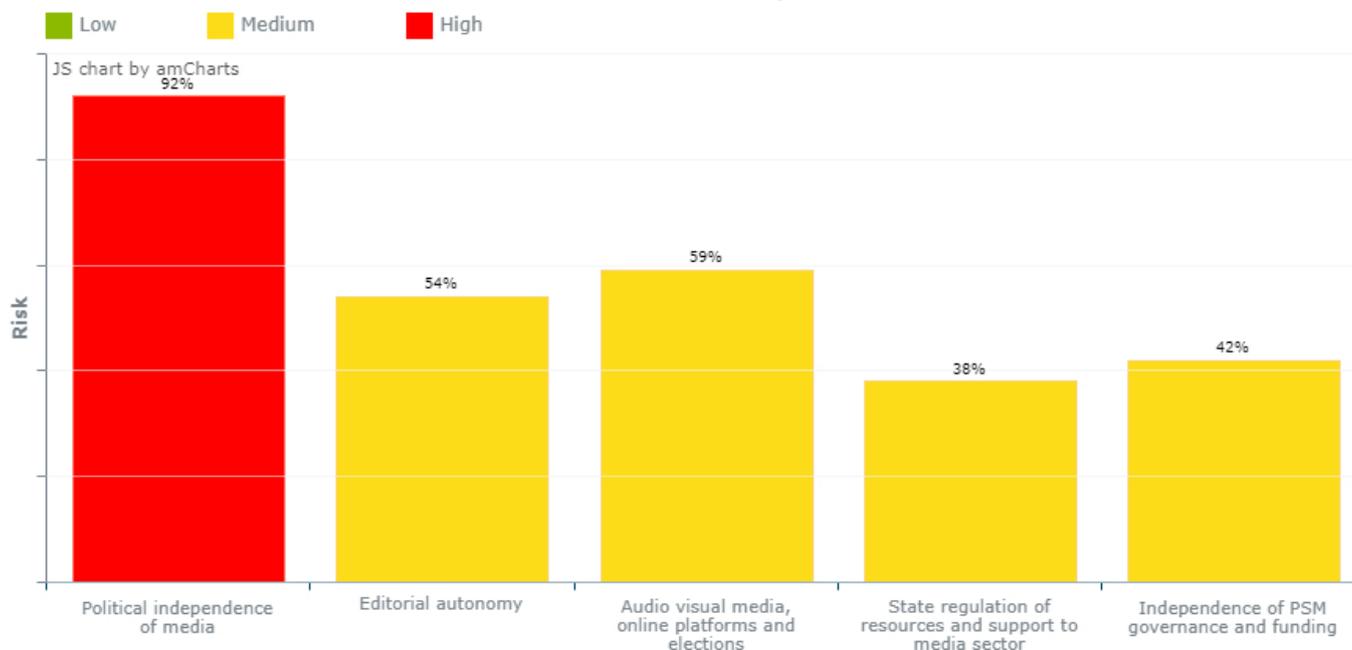
refer only to commercial advertising, while state and political advertising have not been regulated by any other general or special media law.

The indicator **Media viability** showed a medium risk of 53%. Although official data on media revenue trends during 2020 is not yet publicly available, there is no doubt there that the media market registered a major decline in 2020 (Radoja, 2020: 30). This lack of data can be regarded as a signal of the lack of transparency and thus, a risk. During the lockdown, daily newspapers and tabloids had a serious drop in circulation, as well as in revenues from ads. The downturn in the media market was mitigated by public aid, especially in local media outlets. We don't have enough precise data on the role of search engines and social networks in news consumption. When it comes to the Internet advertising market, it is constantly growing in Serbia: "This segment of the media is experiencing an increase in its share of the advertising market. In 2018, online media had a revenue of €32.5 million, an increase from 2017 when their revenue was €26 million" (Media Ownership Monitor Serbia, 2019). For 2020, the official data on revenues and advertising market is not yet available from the BRA, but it is clear that during the COVID-19 pandemic, online news portals have increased their audiences (Radoja, 2020: 30).

Commercial & owner influence over editorial content received a high risk score of 73%. The Law^[9] grants journalists the right to refuse to execute an editor's order if this would violate rules of profession and journalistic ethics, but the Law does not identify media owners and management as the source of potential pressure. There are self-regulatory provisions within the Serbian Journalists' Code of Ethics^[10] that proclaim prohibition of various interests on appointment and dismissal of editors-in-chief but without much effect in practice, while the effective legal protection does not exist. Journalists and editors are usually under the pressure from owners who demand special treatment for advertisers, interfere in the choice of topics and sources of information and assert requests for disguised advertising. On the other hand, there are no mechanisms that would safeguard the social protection to journalists in case the ownership or editorial line is changed.

3.3. Political Independence (57% - medium risk)

The Political Independence indicators assess the existence and effectiveness of regulatory and self-regulatory safeguards against political bias and political influences over news production, distribution and access. More specifically, the area seeks to evaluate the influence of the State and, more generally, of political power over the functioning of the media market and the independence of public service media. Furthermore, the area is concerned with the existence and effectiveness of (self)regulation in ensuring editorial independence and availability of plural political information and viewpoints, in particular during electoral periods.



The **Political Independence** area scored, overall, a medium risk. The highest risk was related to the Political independence of media indicator, which registered the highest score for all indicators.

Political independence of media scored a high risk of 92%. There is no adequate and efficient legal safeguard against direct or indirect control of media by political actors. The existence of soft self-regulatory guidance does not guarantee the prevention of the conflict of interests between media owners and politicians. Although private ownership is diverse, the ruling party has enormous influence over the media (via control of advertising, directing of state funds, or direct influence over owners), leading to editorial policies which often have the same direction, news programs frequently resemble each other, while there is a noticeable lack of criticism of those in power. During the 2020 election campaign, the majority of media in Serbia supported the ruling party and they were not independent from politics. Regarding news agencies, in the period 2014–2021, the existence of Tanjug was strongly dependent on government funding and privileged, as opposed to the other two, independent news agencies – Beta and Fonet. The PSMs were not independent either, which led to constant complaints of unequal treatment by the opposition, especially during the election campaign.

The indicator **Editorial autonomy** received a medium 54% risk score. In spite of legal documents and self-regulatory instruments guaranteeing autonomy for appointing and dismissing editors-in-chief, they cannot guarantee editorial independence, of both traditional and online media. There were systematic cases of political influence on editorial contents of news media, mostly exercised by informal editorial pressure through politically connected media owners, threats against journalists and high rates of self-censorship (Freedom House, 2021). The authorities, political parties, and state-owned companies often use their financial power to influence editorial policies and media lack the political or financial clout to stand up to the pressure, especially in local media markets (Media Strategy, 2020: 22).

The **Audio-visual media, online platforms and elections** indicator received a medium risk score (59%). There are no adequate and precise legal provisions that guarantee fair representation of political parties and their access to airtime in private media during election campaigns; when it comes to PSM, such provisions exist, but are not consistently enforced in practice. Although the REM adopted rules supplementing the legal framework for media conduct during elections in 2020 (ODIHR Special Election Assessment Mission Final Report, 2020), these rules were not mandatory for private broadcast media, so the REM has to clarify how such distinction between public and private broadcasters complies with the general provision of the Law on

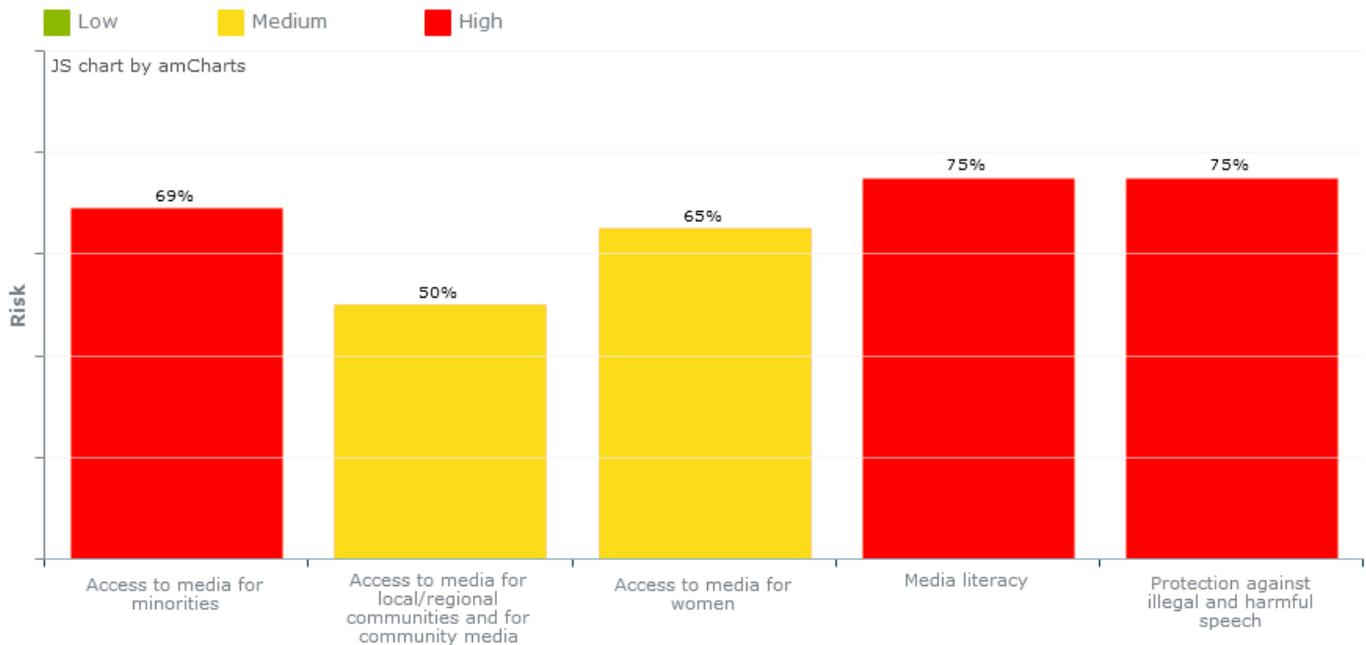
Electronic Media (LEM, 2014), which foresees legal obligation also for private media. During the 2020 election campaign, this resulted in favoritism of the regime in the majority of national TV channels and print media, while the few media outlets offering alternative views had limited outreach and provided no effective counterbalance (OSCE, 2020: 2). The so-called ‘functionary campaigns’ represent a distinctly weak element in the regulation of media coverage in the election period. Also, there is still no regulation of online political advertising during election campaigns.

The **State regulation of resources and support to the media sector** indicator scored a medium risk of 38%. Although direct subsidies are distributed to media based on the criteria set by laws, they are often not clear or fair (EC, 2020: 35-36). The issue of advertising by government authorities and political parties is not specifically or closely regulated by the law, thus there are no clear criteria, which may result in pressures on editorial policies via public funds. Because of the media outlets’ constant problems with liquidity, the major commercial influence has been exerted via models of state financing (public procurement and direct advertising contracts), in most cases to the benefit of pro-government media.

The **Independence of PSM governance and funding** indicator fell under medium risk with a score of 42%. Although the law prescribes financing of PSM through a license fee, as of 1 January 2017, public service media were mostly funded from the state budget, which weakened their independent position. As foreseen by the new media strategy, Radio Television of Serbia was not included in the state budget for 2021. The parliament instead adopted an increase of the subscription fee by amending the law on temporary regulation of subscription tax for public media services, while the law still foresees the possibility of public co-financing if needed. Despite the precise legal procedures for a fair and transparent appointment and dismissal of the Management Board and Director in PSM, these procedures have not been independent (EC, 2020, 82). Members of the PSM Management Boards are elected and dismissed by the REM (REM Council), whose independence is seen as questionable, eroding confidence in the selection of the PSM’s General Director by the Management Board. There are no guarantees of independence of editors from the management body. The PSMs have become places from which public debate and critical thinking have been almost completely ousted.

3.4. Social Inclusiveness (67% - high risk)

The Social Inclusiveness area focuses on the access to media by specific groups in society: minorities, local and regional communities, women and people with disabilities. It also examines the country’s media literacy environment, including the digital skills of the overall population. In addition, for the 2021 edition of the MPM, a new indicator has been added to the Social Inclusiveness area in order to assess new challenges raising from the uses of digital technologies: Protection against illegal and harmful speech. Due to this modification of the indicators, comparison with previous editions of the MPM should be handled with extreme care.



The **Social Inclusiveness** area scores a high risk for Serbia, with two (out of five) indicators in this area registering a medium-risk .

The indicator of **Access to media for minorities** received a high risk score of 69%. The Law guarantees access to PSM airtime to legally recognized minorities. Consequently, the Radio Television of Vojvodina (RTV) broadcasts in 16 languages, of which 14 are languages of national minorities. Its second television channel is dedicated to minority languages and broadcasts in 11 languages. During the COVID-19 lockdown, the RTV and national minority media launched distance learning programmes for students attending classes in national minority languages. By contrast, in the reporting period, the Radio Television of Serbia (RTS) broadcast in the languages of national minorities in a very small percentage. The major risks come from non-proportional access to airtime for minorities which are not recognized by law, and from the subindicator on access to media for people with disabilities, which receives a high-risk score due to the fact there is no reporting policy nor adequate access to PSMs' or commercial media contents for this group.

Access to media for local/regional communities and for community media indicator received a score 50% and is assessed as medium-risk. Regional and local media have been supported via subsidies through local governments and from the state budget through the media project co-financing programme. It is often the only way for some local media to survive. The number of these projects has increased in the last few years. However, some inadequate applications of co-financing rules were recorded; for example, in local competitions during the first five months of 2020, tabloids close to the authorities, which violated the Code of Journalists of Serbia, received the largest amounts (UNS, 2021). Another problem was the non-implementation of competition in some municipalities. The main inconsistencies have included the lack of adequate project evaluation provisions and sanctions for the competent Commission in case of violations. Regarding community media, a license can be issued without payment. There are however no special provisions guaranteeing their independence, nor data to evaluate it in practice.

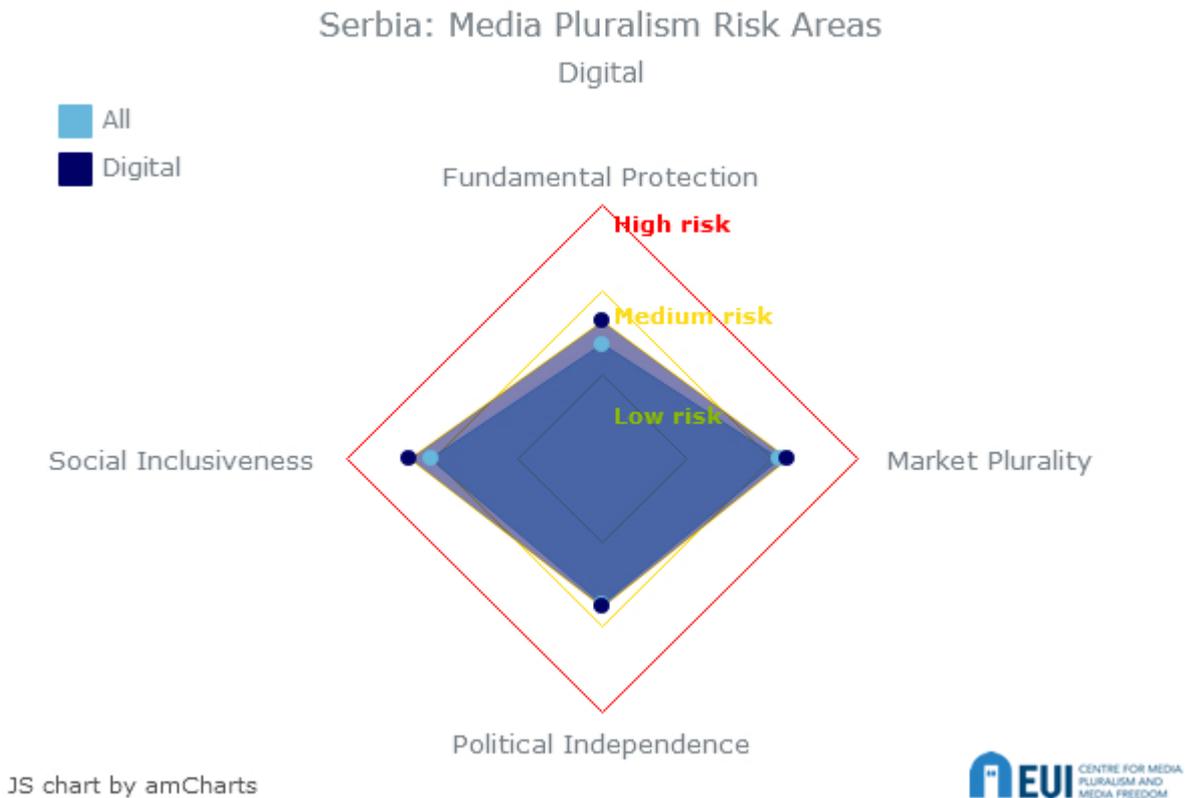
Access to media for women received a 65% medium-risk score. PSM in Serbia do not have any gender equality policy known to the public. Out of the total of 17 members of the Management boards of the PSM in Serbia, 17.6% were women. The percentage of women in editor-in-chief position in 8 media with the largest audience share in Serbia was 13.3. Women have been consistently underrepresented in informative content, most often stereotyped, and their voices in the news were least present as the views of specialists and experts (less than 10%).

Media literacy indicator received a 75% high-risk score. The policy on media literacy in Serbia is

underdeveloped. Although the issue is present in different strategic documents, there is no single strategy for media literacy development. As part of the project on Media literacy supported by the Ministry of Culture and Information, a few dozen seminars were organized. Activities in this field have been more focused on formal than on non-formal education, mainly aimed at developing media literacy for students, journalists and teachers, and not for the broader population, e.g. senior citizens, pensioners, minorities, etc. Popular media culture is hardly covered at all by existing seminars and trainings.

The indicator on **Protection against illegal and harmful speech** scored 75% and is rated as high-risk. There is no comprehensive regulatory framework aiming to counter disinformation in Serbia. Therefore, the impact of disinformation is very high and that has become even more visible with the COVID-19. In the beginning of the pandemic, the information offered at the highest, state level was often short and contradictory, so the doubts and various conclusions slipped into the disinformation field.

4. Pluralism in the online environment: assessment of the risks



When it comes to **online environment**, Serbia scored the lowest risk level on the indicator Universal access to the Internet (35%) and the highest risk on the Online platforms concentration and competition enforcement indicator (88%).

The area of **Fundamental Protection** scored a higher risk for online than in the overall media assessment, although it remained within the range of medium values. Namely, digital media legislation remained underdeveloped by comparison to legacy media laws. Within the indicator: **Protection of freedom of expression**, judging by its legal framework, Serbia enjoys the status of a country with free and open Internet. In practice, during the pandemic lockdown in 2020, the highest number of digital rights violations belonged to the categories of pressures due to online expression and activity, whose targets, in most cases, were investigative and independent media and journalists (SHARE Foundation, 2020). In this field, there were no substantial and systematic violations of Internet users' rights by ISPs (and by online platforms in general) by filtering, monitoring, blocking or removing online content in an arbitrary way. Quite on the contrary, even the blatant and potentially dangerous misinformation (including that related to COVID-19) has rarely been systematically removed, due to the absence of effective moderation: Serbia doesn't have specific regulation on blocking, filtering and take-down of illegal internet content. Regarding the **Journalistic profession, standards and protection indicator**, the threats to digital safety have become a serious concern for journalists in Serbia, including death threats to two journalists and seizure of a laptop and mobile phones in 2020 (SafeJournalist.net, 2020; CPJ, 2020). When it comes to data protection, the national legislation established the data retention obligations for ISPs, incorporated the GDPR principles, as well as the provisions of the so-called Police Directive. However, some of these provisions have only been transposed, declarative and vague, leaving a broad space for different interpretations and wide discretion regarding their application (Sironic, Novak, 2019). **Universal access to the Internet** scored the lowest risk for all the indicators. In 2020 there were 80.08% of households with Internet connection in Serbia. The average Internet connection speed was 24.74 Mbps. The market shares of the TOP 4 ISPs amounted to a total of 81%. Legislation prescribes that end-users of public communications networks and services should

be enabled to have free access to and distribution of information, and to use applications and services of their choice, but there are no rules on platform neutrality that would measure the pluralism of media content on the internet, cable and other forms of distribution.

The **Market Plurality** area showed a slightly higher risk relative to the overall assessment. The law contains provisions that require the **transparency of ownership** details only for digital media registered in the Media Register run by the Business Registers Agency (BRA). Online media have the possibility (but not the obligation) to register. Hence, updated ownership information exists for the majority of digital news media with the biggest audience and impact, but not for others. Likewise, Serbian laws do not contain any specific provisions requiring the disclosure of ultimate (beneficial) owners of digital native news media. The **Digital news media concentration indicator** showed the highest risk within the Market Plurality area. The market share of the Top 4 online news media is unavailable at the moment, which indicates the lack of transparency and risk growth. In 2020, the Top 4 online news media had 71 audience shares, while the audience share of the Top 8 news media owners across different media markets was 75%. The **Online platforms concentration and competition enforcement** showed a high risk score and underdeveloped protection as noted in the previous chapters. The law stipulates that funding should adequately cover PSMs' online public service missions without distorting competition with private media actors. When it comes to the **Media viability indicator** for 2020, official data on the revenues and advertising market from the BRA is still pending. The digital advertising market in Serbia has increased in the recent years, notably during 2019 to € 47.05 million, i.e. by about 27.1 percent (IAB Serbia, 2019). Due to the difficult economic situation in 2020, the fate of many portals depended exclusively on resources obtained through project co-financing. In the previous years, the expansion of internet media was linked to the misuse of project co-financing (i.e. some portals were established before the competition for co-financing projects and received huge funds, although they did not have their own texts). The major **commercial & owner influence over editorial content** was exerted in the same way as for legacy media through public procurement – directly (the state is the largest advertiser on the media market) and indirectly (through the connections of media owners and marketing organisations with state and party officials).

The **Political Independence** area in the online environment scored the same risk level as recorded for legacy media. In 2020, the digital media owned/controlled by individuals with known political affiliations, mostly known as the supporters of the leading party, held the largest audience share. When it comes to social networks, in April 2020, Twitter deleted more than 8,500 accounts engaged in “inauthentic coordinated activity” to criticize the opposition and “promote Serbia’s ruling party and its leader” (@TwitterSafety, 2020). Regarding **Editorial autonomy**, the Serbian Journalists' Code of Ethics (2015) also fully applied to the online environment. There are no special rules on how journalists should post their own content on social media. The Ethical Code guidelines (Serbian Journalists' Code of Ethics, 2015) were infringed by many digital news media, especially pro-Government tabloids in their online editions. In the period of time when the Coronavirus was the most severe (April–June 2020), many citizens received information almost exclusively through online media due to a ban on movement. In this period of time, the six most visited online media violated the Journalists' Code of Ethics (2015) 2,829 times. When it comes to the indicator **Online platforms and elections**, there were several pressing problems within this field. First, Internet advertising is regulated by the current Law on Advertising (2016), whose provisions do not cover political advertising. Second, there are no special law requirements on reporting how much has been spent on online platforms. Third, there is no indication of any comprehensive supervision having been conducted on the use of personal data of individuals by political parties for the purposes of the election campaign. During the 2020 election campaign, a large number of citizens contacted the Commissioner for Information of Public Importance and Personal Data Protection, claiming that political party activists possessed their

private data. It has to be noted that in the 2020 elections, due to the pandemic, the campaign was more vibrant on social networks.

The **Social Inclusion** area showed a medium score, although higher risk in comparison to the overall assessment. The provisions on **Protection against disinformation** were insufficient, so the fight against disinformation was usually reduced to initiatives by individual media and platforms without any institutional approach. Domestic legislation prescribes only positive obligation that media have “to get true, complete and timely information about the issues of public importance and the means of public importance shall honor that right” (Article 5, Para 2 of the Law on Public Information and Media), and the same goes for the self regulatory framework: Serbian Journalists' Code of Ethics prescribes that “A journalist is obliged to report on the events of public interest accurately, objectively, comprehensively and in a timely fashion, while respecting the public’s right to know the truth and respecting the basic standards of the journalistic profession.” The lack of an institutional approach led to the COVID-19 infodemic: citizens were exposed to and were sharing "accurate" news/texts containing various conspiracies, from so called "deep background" from hospitals or other sources (Kulic, 2020). There is no regulatory framework **against online hate speech** in Serbia. However, there are well developed media laws that regulate hate speech, but they were not fully implemented in the reporting period. The **Digital literacy** indicator showed some progress. In 2020, in the Republic of Serbia, 78.4% of all individuals were Internet users (in the last three months, according to the SORS methodology), which means that the number of Internet users increased by 2% relative to 2019. In the same period, 72.4% of individuals used a computer and 19.8% individuals never used it. The number of computer users increased by 1.9% relative to 2019 (SORS, 2020: 16; 20-21).

5. Conclusions

Serbia scored high risk levels on several indicators and medium risk levels on most others. The main conclusion is that there is a solid legal framework covering traditional media, while its full enforcement is missing. The main recommendation is that existing legal framework should be urgently implemented by all relevant institutions and improved in the fields of political and state advertising, while the digital media legislation should be comprehensively improved in line with the European regulatory framework.

Within **Fundamental Protection**, Serbia should work on better enforcement of the existing media laws. Safeguards for journalists should be introduced and attacks on journalists prevented and sanctioned. Full financial and operational independence of the regulatory authority should be ensured.

In the **Market Plurality** chapter, all the data on media ownership requested by laws should be collected and made available to public. Social and professional protection of journalists should be introduced. Co-financing of media by state funds should be transparent and fair, under clear criteria. By the implementation of the Action Plan for Media Strategy (Strategy for the Development of the Public Information System in the Republic of Serbia in the period 2020-2025) within this field, the Republic of Serbia should improve media legislation in order to achieve a functional, sustainable and fair media market, protected from political influence.

When it comes to **Political Independence**, the prevention of conflict of interest should be precisely prescribed by the law and further implemented in practice. During the 2020 election campaign, the so-called functionary campaign turned out to be the weakest element in media regulation, so this issue should be arranged by the Law. The area of political advertising and reporting on spending on online platforms campaigns should be regulated by the Law as well. Political advertisement should be equally accessible to all political players, under the same conditions. PSMs should offer all political actors equal treatment. The process of electing PSM Managing boards and directors should unfold without political pressures.

Within **Social Inclusiveness** area, access to media by minorities, including people with disabilities, should be enabled in line to law provisions. Media literacy should be consistently integrated into formal and non-formal educational programmes. In this area an important step forward is requested as regards protection against disinformation: the legislative framework that aims at countering disinformation and does not restrict or harm freedom of expression should be introduced, as well as an effective self-regulation of disinformation.

6. Notes

- [1] Law on Free Access to Information of Public Importance, Official Gazette RS, no. 120/04, 54/2007, 104/2009 and 36/2010, https://www.paragraf.rs/propisi/zakon_o_slobodnom_pristupu_informacijama_od_javnog_znacaja.html
- [2] Law on the Protection on Whistleblowers, Official Gazette 128/2014, https://www.paragraf.rs/propisi/zakon_o_zastiti_uzbunjivaca.html
- [3] Law on electronic media, Official Gazette of the Republic of Serbia no. 83/2014 and 6/2016, https://www.kultura.gov.rs/extfile/sr/5004/zakon_o_elektronskim_medijima-.pdf
- [4] Law on Public Information and Media, Official Gazette of the Republic of Serbia no. 83/2014, 58/2015 and 12/2016. <https://www.kultura.gov.rs/extfile/sr/5001/zakon-o-javnom-informisanju-i-medijima.pdf>
Law on electronic media, supra.
- [5] At the time of writing (April 2021).
- [6] Law on Public Information and Media, supra. Law on electronic media, supra.
- [7] Law on Protection of Competition, Official Gazette no. 51/2009 and 95/2013, <https://www.paragraf.rs/propisi/law-on-protection-of-competition-serbia.html>
- [8] Advertising Law, Official Gazette no. 6/2016 and 52/2019, https://www.paragraf.rs/propisi_download/zakon_o_oglasavanju.pdf
- [9] Law on Public Information and Media, supra.
- [10] Serbian Journalists' Code of Ethics, 2015. https://savetzastampu.rs/wp-content/uploads/2020/11/Kodeks_novinara_Srbije.pdf

7. References

- Commissioner for the Protection of Information of Public Interest and Personal Data Protection [Commissioner] (2021). *Activity Report of the Commissioner for the Protection of Information of Public Interest and Personal Data Protection for 2020* (in Serbian). Available at: <https://www.poverenik.rs/images/stories/dokumentacija-nova/izvestajiPoverenika/2020/CIRIzvestaj2020.pdf> [Accessed 14 May 2021].
- Committee to Protect Journalists [CPJ] (2020). *Serbian reporter Ana Lalić on her arrest and detention over COVID-19 report*. Available at: <https://cpj.org/2020/04/serbian-reporter-ana-lalic-on-her-arrest-and-deten/> [Accessed 14 May 2021].
- Csaky, Z. (2020). *Nations in Transit 2020*. Available at: https://freedomhouse.org/sites/default/files/2020-04/05062020_FH_NIT2020_vfinal.pdf [Accessed 11 Apr. 2021].
- European Commission [EC] (2020). *Serbia 2020 Report*. Brussels, 6.10.2020 SWD(2020) 352 final. Available at: https://ec.europa.eu/neighbourhood-enlargement/sites/default/files/serbia_report_2020.pdf [Accessed 14 May 2021].
- Freedom House (2021). *Serbia: Freedom in the World 2021 Country Report*. Available at: <https://freedomhouse.org/country/serbia/freedom-world/2021> [Accessed 14 May 2021].
- Government Conclusion 05 No. 53-2928 / 2020 on informing the population about the condition and consequences of the infectious disease COVID-19 caused by the SARS-CoV-2 virus in the conditions of the declared state of emergency, *Official Gazette RS*, no. 48/2020. Available at: <http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/vlada/zakljucak/2020/48/1/reg> (in Serbian) [Accessed 10 Apr. 2021].
- IAB Serbia (2019). *DIGITAL AD SPEND STUDY FOR 2019*. Available at: https://iabeurope.eu/wp-content/uploads/2020/05/IAB-Serbia_AdEx-2019-FINAL.pdf [Accessed 14 Apr. 2021].
- Journalists' Association of Serbia [UNS]. (2021). *Data on media co-financing*. Available at: <https://www.uns.org.rs/sr/desk/vesti-iz-medija/111122/podaci-o-sufinansiranju-medija.html> [Accessed 13 May 2021].
- Journalists' Association of Serbia [UNS]. 2020. *Economic and Social Position of Journalists: Serbia, the Region, Europe* (in Serbian). Available at:
 - [https://www.uns.org.rs/sw4i/download/files/article/Ekonomski%20i%20drustveni%20polozaj%20novinar_a_UNS_decembar%202020.%20CIR%20\(1\).pdf?id=582](https://www.uns.org.rs/sw4i/download/files/article/Ekonomski%20i%20drustveni%20polozaj%20novinar_a_UNS_decembar%202020.%20CIR%20(1).pdf?id=582) [Accessed 13 May 2021].
- Kulic, M. (2020). *The Interview with Dr. Milica Kulic, Assistant Professor at the Faculty of Political Sciences, the University of Belgrade*. Available at: [Q196 How would you assess the impact of disinformation in your country - Interview with dr Milica Kulic_1607254945.docx](#) [Accessed 15 Apr. 2021].
- Law on Advertising (2016). [3 A K O H \(tobaccocontrollaws.org\)](#) [[Serbia - Law on Advertising 2016 - national.pdf \(tobaccocontrollaws.org\)](#)]
- Law on Electronic Media (2014). https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwicwa24m8XxAhXRYqQKHb4PAMUQFjAAegQIBBAD&url=http%3A%2F%2Fwww.anem.org.rs%2Fdownload%2Ffiles%2Fcms%2Fattach%3Fid%3D508&usq=AOvVaw1D_LDCF8CbbOM43YDIrIAf
- Media Ownership Monitor Serbia (2019). Available at: <https://serbia.mom-rsf.org/en/findings/indicators/> [Accessed 16 May 2021].
- Strategy for the Development of the Public Information System in the Republic of Serbia in the period 2020–2025 [Media Strategy] (in Serbian). 2020. Available at: https://www.media.srbija.gov.rs/medsrp/dokumenti/medijska_strategija210_cyr.pdf (in Serbian)

- [Accessed 13 May 2021].
- OHCHR / TIM / SDC (2020). *COVID-19 Consequences for Vulnerable and Risk Groups* (in Serbian). Available at: http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2020/12/Posledice_Kovid-19_na_polozaj_osetljivih_grupa_i_grupa_u_riziku.pdf [Accessed 15 May 2021].
 - OSCE Office for Democratic Institutions and Human Rights. (2020). *REPUBLIC OF SERBIA PARLIAMENTARY ELECTIONS 21 JUNE 2020 ODIHR Special Election Assessment Mission Final Report*. Available at: <https://www.osce.org/files/f/documents/a/3/466026.pdf> [Accessed 15 May 2021].
 - Pištaljka.rs. (2021). *Whistleblowers Guide*. Available at: <https://pistaljka.rs/home/index/7/20> [Accessed 13 May 2021].
 - Radoja, Ž. (2020). SERBIA. “The Funniest Virus in the World”. *A LOCKDOWN FOR INDEPENDENT MEDIA? Effects of the COVID–19 pandemic on the media landscape and press freedom in Central and Southeast Europe*. Friedrich Ebert Stiftung Working paper. Available at: https://www.fes-budapest.org/fiadmin/user_upload/dokumente/pdf-dateien/A_Lockdown_for_Independent_Media_Report_Final.pdf [Accessed 15 May 2021].
 - Press Council (2015). *Serbian Journalists Code of Ethics*. Available at: [Serbian Journalists Code of Ethics.pdf \(savetzastampu.rs\)](#).
 - SafeJournalist.net (2020). *Serbia: Two journalists were threatened with death* (in Serbian). Available at: <https://safejournalists.net/rs/portfolios/srbija-dvojici-novinara-upucene-pretnje-smrcu/> [Accessed 15 May 2021].
 - SHARE Foundation (2020). *Digital rights monitoring April-July 2020. Attacks and pressures in the shadow of techno-sensations* (in Serbian). Available at: <https://www.sharefoundation.info/sr/monitoring-digitalnih-prava-april-jul-2020-napadi-i-pritisci-u-senci-tehno-senzacija/> [Accessed 15 May 2021].
 - Semonic, M., Novak, A. (2019). *Assessment of the Draft Law on Personal Data Protection of Serbia*. TAIEX mission 30066. Available at: <https://www.poverenik.rs/images/stories/dokumentacija-nova/Publikacije/engEKStudija.pdf> [Accessed 15 May 2021].
 - Statistical Office of the Republic of Serbia (SORS). (2020). *Usage of Information and Communication Technologies in the Republic of Serbia, 2020*. Available at: <https://publikacije.stat.gov.rs/G2020/PdfE/G202016015.pdf> [Accessed 15 May 2021].
 - Statistical Office of the Republic of Serbia (SORS). (2011). *Population by ethnicity, age and sex*. Available at: <https://data.stat.gov.rs/Home/Result/3102010403?languageCode=en-US> [Accessed 10 Apr. 2021].
 - Strategy for the Development of the Public Information System in the Republic of Serbia in the period 2020–2025 [Media Strategy] (in Serbian) (2020). Available at: https://www.media.srbija.gov.rs/medsrp/dokumenti/medijska_strategija210_cyr.pdf (in Serbian) [Accessed 13 May 2021].
 - The World Bank (2021). *The World Bank in Serbia*. Available at: <https://www.worldbank.org/en/country/serbia/overview#3> [Accessed 10 Apr. 2021].
 - [TwitterSafety](#) (2020). *Replying to @TwitterSafety. 2:00 pm · 2 Apr 2020*. Available at: <https://twitter.com/twittersafety/status/1245682441865646080> [Accessed 11 Apr. 2021].

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Annexe I. Country Team

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<i>Uros</i>	<i>Cemalovic</i>	<i>Research Associate</i>	<i>Institute of European Studies</i>	

Annexe II. Group of Experts

The Group of Experts is composed of specialists with a substantial knowledge and recognized experience in the field of media. The role of the Group of Experts was to review the answers of the country team to 16 variables out of the 200 composing the MPM2021. Consulting the point of view of recognized experts aimed at maximizing the objectivity of the replies given to variables whose evaluation could be considered as subjective, and therefore to ensure the accuracy of the final results of the MPM. However, it is important to highlight that the final country report does not necessarily reflects the individual views of the experts who participated. It only represents the views of the national country team that carried out the data collection and authored the report.

First name	Last name	Position	Institution
<i>Bojan</i>	<i>Cvejic</i>	<i>Executive director and Editor-in-chief of the Danas daily portal</i>	<i>Danas Daily</i>
<i>Zoran</i>	<i>Sekulic</i>	<i>Director and Editor-in-Chief</i>	<i>FoNet News Agency</i>
<i>Gordana</i>	<i>Novakovic</i>	<i>General Secretary</i>	<i>Press Council</i>
<i>Sinisa</i>	<i>Atlagic</i>	<i>Associate Professor</i>	<i>Faculty of Political Sciences University of Belgrade</i>
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<i>Zeljko</i>	<i>Bodrozic</i>	<i>President</i>	<i>Independent Journalists' Association of Serbia (NUNS)</i>
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