

MONITORING MEDIA PLURALISM IN THE DIGITAL ERA

APPLICATION OF THE MEDIA PLURALISM MONITOR IN THE EUROPEAN UNION, ALBANIA, MONTENEGRO, REPUBLIC OF NORTH MACEDONIA, SERBIA & TURKEY IN THE YEAR 2022

Country report: Serbia

Irina Milutinovic, Institute of European Studies

Rade Djuric, Independent Journalists' Association of Serbia (NUNS)

Jovica Pavlovic, Institute of European Studies

Marija Babic, Independent Journalists' Association of Serbia (NUNS)

Research Project Report

Issue -

June 2023



TABLE OF CONTENTS

1. About the project	4
1.1. Overview of the Project	4
1.2. Methodological notes	4
2. Introduction	6
3. Results of the data collection: Assessment of the risks to media pluralism	8
3.1. Fundamental Protection (51% - medium risk)	11
3.2. Market Plurality (77% - high risk)	16
3.3. Political Independence (74% - high risk)	21
3.4. Social Inclusiveness (64% - medium risk)	26
4. Conclusions	30
5. Notes	35
6. References	39
Annexe I. Country Team	
Annexe II. Group of Experts	

© European University Institute 2023

Editorial matter and selection © Irina Milutinovic, Rade Djuric, Jovica Pavlovic, Marija Babic, 2023

This work is licensed under the Creative Commons Attribution 4.0 (CC-BY 4.0) International license which governs the terms of access and reuse for this work. If cited or quoted, reference should be made to the full name of the author(s), editor(s), the title, the series and number, the year and the publisher.

Views expressed in this publication reflect the opinion of individual authors and not those of the European University Institute.

Published by

European University Institute (EUI)

Via dei Roccettini 9, I-50014

San Domenico di Fiesole (FI)

Italy

ISBN:978-92-9466-458-7

doi:10.2870/331392



With the support of the Erasmus+ Programme of the European Union. The European Commission supports the EUI through the EU budget. This publication reflects the views only of the author(s) and the Commission cannot be held responsible for any use which may be made of the information contained therein.

1. About the project

1.1. Overview of the Project

The Media Pluralism Monitor (MPM) is a research tool that is 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 that was carried out in 2022. 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 notes

Authorship and Review

The CMPF partners with experienced, independent national researchers to carry out the data collection and to 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 that was developed by the CMPF.

In Serbia the CMPF partnered with Dr. Irina Milutinovic and Dr. Jovica Pavlovic (Institute of European Studies), Rade Djuric and Marija Babic (Independent Journalists' Association of Serbia (NUNS)), 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 the media	Representation of minorities
Protection of right to information	Plurality of media providers	Editorial autonomy	Local/regional and community media
Journalistic profession, standards and protection	Plurality in digital markets	Audiovisual media, online platforms and elections	Gender equality in the media
Independence and effectiveness of the media authority	Media viability	State regulation of resources and support to the media sector	Media Literacy
Universal reach of traditional media and access to the Internet	Editorial independence from commercial and owners' influence	Independence of PSM	Protection against disinformation and hate 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 being intertwined with the traditional media and the existing principles of media pluralism and freedom of expression. Nevertheless, the Monitor also extracts digitally specific risk scores, and the report contains a specific

analysis of the risks that 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% and 66%: medium risk

Scores between 67% and 100%: high risk

With regard to the Indicators, scores of 0 are rated as 3%, while scores of 100 are rated as 97%, by default, in order to avoid an assessment that offers a total absence, or certainty, of risk.

Methodological Changes

For every edition of the MPM, the CMPF updates and fine-tunes the questionnaire, based on the evaluation of the tool after its implementation, the results of previous data collection and the existence of newly available data. For the MPM 2023, no major changes were made to the questionnaire, except for the Indicators Transparency of Media Ownership, Plurality in Digital Markets and Editorial Independence from Commercial and Owners Influence (Market Plurality area), and Protection Against Disinformation and Hate Speech (Social Inclusiveness area). The results obtained for these indicators are therefore not strictly comparable with those results obtained in the previous edition of the MPM. The methodological changes are explained on the CMPF website at <http://cmpf.eui.eu/media-pluralism-monitor/>.

In the Market Plurality area, the names of three Indicators have changed. The former indicator on "News Media Concentration" is now named "Plurality of Media Providers"; "Online Platforms and Competition Enforcement" has been renamed as "Plurality in Digital Markets"; "Commercial & Owners' Influence Over Editorial Content" has been renamed as "Editorial Independence from Commercial and Owner Influence".

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 who carried out the data collection and authored the report. Due to updates and refinements in the questionnaire, MPM2023 scores may not be fully comparable with those in the previous editions of the MPM. For more details regarding the project, see the CMPF report on MPM2023, which is available on: <http://cmpf.eui.eu/media-pluralism-monitor/>.

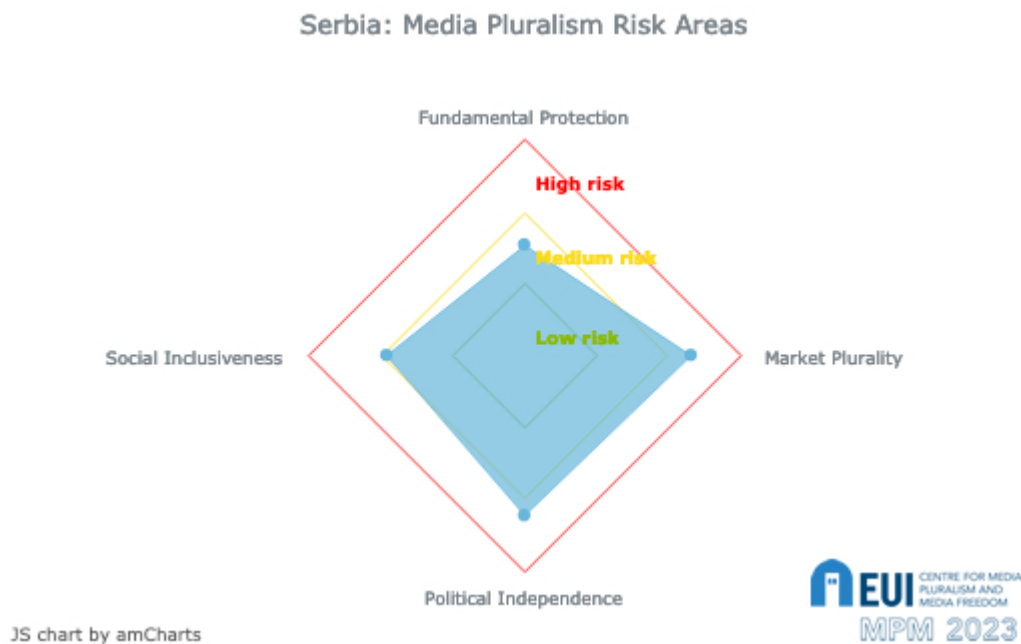
2. Introduction

- **Country overview.** The Republic of Serbia is a European, Western Balkans country, with a population of 6,690,887, according to the last census of population, held in 2022 (RZS, 2022). Serbia was granted candidate status for the membership in the European Union in 2012.
- **Languages.** The official language is Serbian. In addition to the Serbian language, 12 languages of national minorities are in official use in 42 units of local self-government in Serbia (Albanian, Bosnian, Bulgarian, Bunjevac, Croatian, Czech, Hungarian, Macedonian, Montenegrin, Romanian, Ruthenian, and Slovak), as well as the Vlach and Romani languages in some areas. The right to official use of mother tongues and scripts of national minorities is recognized by the Serbian Constitution and specialized laws in accordance with the Framework Convention of the Council of Europe on the protection of national minorities.
- **Minorities.** According to the previous census from 2011^[1], the national minorities constituted about 13% of the population. There are 23 national minorities recognized by the law. The most numerous are Hungarians (3.53%, most numerous in the Region of Vojvodina), followed by Roma (2.05%, Region of Southern and Eastern Serbia and the Region of Vojvodina) and Bosniaks (2.02%, mostly in the Region of Western Serbia)^[2] (MDULS, 2022).
- **Economic situation.** The real GDP annual growth in 2022, obtained on the basis of quarterly calculation, amounted to 2.3 (RZS, 2022). Unemployment declined to 9.2% in the second quarter and to 8.9 in the third quarter of 2022. Related to 2021, average net salaries (wages) increased by 14.1% in nominal terms, and by 2.0% in real terms. Inflation has increased, so the estimated annual inflation rate equals 15.1%. Public debt remained broadly stable in 2022, amounting to 55.7% of GDP at the end of December.
- **Political situation.** The political system of Serbia functions within the institutional environment of parliamentary republic with multiparty competitive elections. However, in recent years, the Serbian Progressive Party (SNS), a populist catch-all party that has been the ruling political party in Serbia since 2012, has steadily eroded characteristics of representative institutions, democracy legislatures, independent regulatory agencies, etc. In the general and local elections held in April 2022, the President of Serbia and the SNS, Aleksandar Vučić, retained control at all levels and secured its second five-year mandate, winning a majority of 58.65%. Although it won the most seats in the National Assembly, the SNS lost its absolute majority for the first time in decade. Six months after the elections the SNS formed a government with its long-term coalition partner, the Socialist Party of Serbia (SPS).
- **Media market.** The media landscape is polarised between pro-government tabloids and critical media, where critically minded media are often perceived as political opponents. In the fourth quarter of the 2022, Telekom Srbija's (a joint-stock company with the state as a majority shareholder) market share was 52.6% compared to 43.7% of its main rival SBB (Serbia Broadband company within privately owned United Group) (RATEL, 2022, p. 14). The commercial battle between Telekom Srbija and United Group has led to greater concentration of Telekom Srbija and has strong political implications as the latter company is the owner of two major critical TV news channels, N1 and Nova, as well as their cable TV broadcaster – SBB. In 2022, 98.5% of the population was covered by signal of all public TV and radio channels; 83.2% of households were covered by Broadband Internet connection, and the average

broadband Internet download speed was 51.84 Mbps (world rank 49). The TOP4 ISPs had 91.39% of market shares.

- **Media consumption.** Getting news online is a growing trend and the most prevalent among younger than 44; it is in the second place within the general population (46%), right after getting news from television (82% of the population). Among those who get information online, there are three main sources of news: traditional media websites (35%), social networks (32%), television (30%).
- **Regulatory environment.** Despite the professional community's high expectations that the new Media Strategy, adopted in 2020, could improve conditions for media pluralism and freedom in Serbia, the deadlines for the implementation of activities defined under its Action Plan have been exceeded during 2021 and 2022. The Government has not yet published the drafts of amended laws by the moment of writing this Report (Spring 2023). In previous decades, the Republic of Serbia adopted the following relevant Directives/Conventions: the provisions of the General Data Protection Regulation (GDPR) and the EU Directive 2016/680 (Police Directive) were incorporated into the Law on Personal Data Protection (LPDP) that was adopted in November 2018 and entered into force on 21 August 2019; the Budapest Convention on Cybercrime in 2009 has been ratified and its elements incorporated into the Criminal Code of Serbia (CC), which has a separate section only prescribing criminal acts against the security of computer systems (Chapter 27, Articles 298-304a); the European Convention on Human Rights (ECHR) was signed in 2003 and ratified in 2004; the Audiovisual Media Services Directive (AVMSD) has been implemented into media laws since 2002; the International Covenant on Civil and Political Rights (ICCPR) was signed in 1967 and was ratified in 1971 by the Socialistic Federal Republic of Yugoslavia (SFRY), ie. the Republic of Serbia, as one of its successors.

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



Serbia scored a medium risk rating (51%) when it comes to the **Fundamental Protection** area. The Constitution and the law guarantee freedom of the media,^[3] and the Criminal Code does not treat defamation as a criminal offence. However, media freedom is undermined by different instruments and journalists' position in Serbia still remains very unfavourable. There were no journalists killed nor arbitrary arrested and imprisoned in Serbia in 2022. On the other hand, journalists continue to work in difficult conditions, targeted by physical and growing online attacks and pressures (NUNS, 2022). The atmosphere of insecurity for the integrity of journalists has been fuelled by the practice of targeting critically minded media and journalists involved in investigative reporting by public officials, who call them enemies of the state, foreign mercenaries, criminals etc. During the second half of 2022 deputies in the National Assembly of Republic of Serbia mentioned certain media and journalists in negative context at least in 18 times. There is an increasing number of SLAPP lawsuits: 40 lawsuits that could be characterized as SLAPPs were recorded in 2021 and 2022, but Serbian legislation has not put in place specific anti-SLAPP regulation. The target of SLAPPs are usually investigative media that report critically about the work of public officials, businessmen, crime etc., while the pro-government tabloids continued smear campaigns against critically oriented media. Additionally, economic pressures and job insecurity (low salaries, unstable contracts, poor working conditions, etc.) were significant problems, which made journalists susceptible to self-censorship. That's why we recognize journalists as an endangered profession in the Republic of Serbia.

Within the **Market Plurality** area, Serbia scores a high risk of 77%, which means a risk increase from previous year by 9 percentage points. As in the past implementations of MPM for Serbia, a high level of cross media concentration emerges, with conglomerates holding audio-visual, print and online media. It must also be noticed that numerous concentrations of local media, influencing media pluralism and fair market competition, remained under the radar and out of the public eye. The level of non-transparency in media industry stays high regarding even most basic data on the domestic media market. That includes the actual number of print and electronic media outlets, readership and viewership, data on the market value, the precise and accurate information on financial flows in the media market, etc. For a small part of the media there were not even formal registrations of their ownership, and for many the information on the 'connected persons'^[4] was missing, that is on those that truly influence the editorial policies. Existing laws still do not identify media owners and management as the source of potential pressure and do not grant an

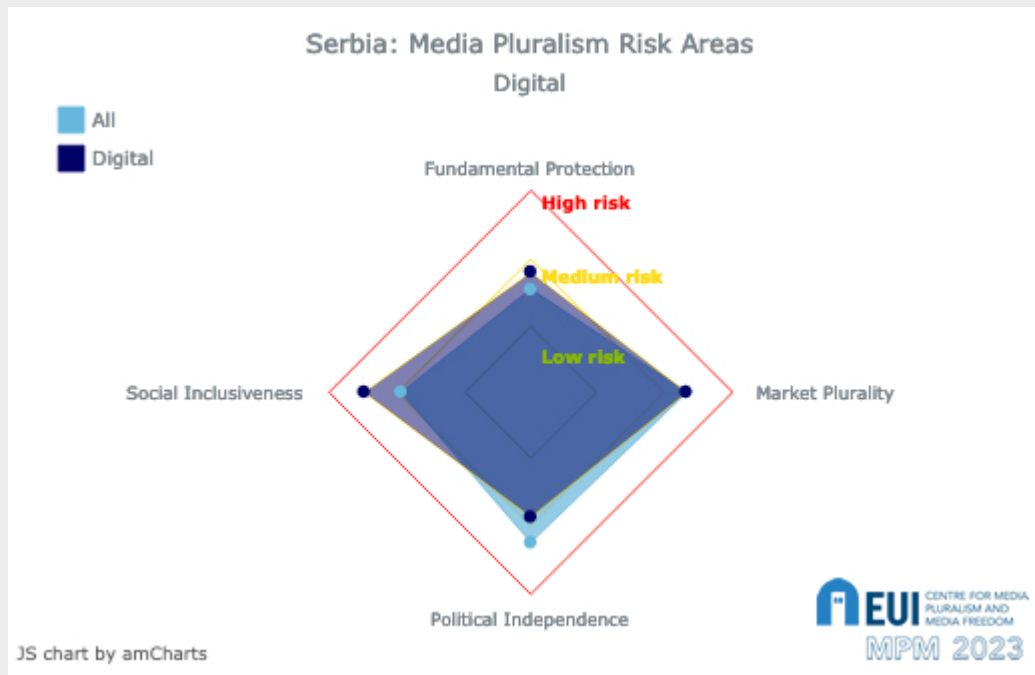
adequate level of protection to editors.

The **Political Independence** area achieved the risk assessment of 74% over the reporting period. There is still no adequate and efficient legal safeguard against direct or indirect control of media by political actors, nor legal or self-regulatory measures that are designed to ensure the independence of appointments and dismissals of editors-in-chief from political influence. Therefore, the pressures on journalists that are mostly politically motivated and related to the media outlets' income, are usually exerted from the inside of the media outlets themselves, through soft censorship from their management or editors who are often appointed because they are politically suitable. Vast majority of TV and print audience share belongs to outlets owned (controlled) by entities close to the ruling SNS party. The oldest daily in the Balkans - Politika Newspaper was finally privatised in 2022 under non-transparent circumstances by the same company that privatized Vecernje Novosti Newspaper in 2019 and believed to enjoy the support of the government. Regulatory Agency for Electronic Media (REM) granted licenses once again to the same four television channels. It did not respect the minimal conditions for providing media services since all the televisions violated legal acts, the delegated legislation, and the Code of Journalists of Serbia, as well as the elaborates on the basis of which they were previously granted licenses (Babic, 2022, p. 26).

In periods before and after the 2022 electoral campaign there was almost no pluralism in the media (ODIHR, 2022; CRTA, 2022). From the beginning of the electoral campaign there was a change of the trend of zero or negative framing of oppositional political representatives, thanks to the bylaw introduction of mandatory electoral blocs into programmes of televisions with national coverage.^[5] The national public service media Radio Television Serbia (RTS) and Radio Television Vojvodina (RTV) covered the activities of all election contestants equitably and professionally during the election campaign period (CRTA, 2022, p. 5). Despite the slight improvement during the election campaign, in a cumulative overview a high-risk assessment still remains due to dominantly biased reporting towards the authorities' representatives and public officials, many of whom also stood as candidates (CRTA, 2022).

The **Social Inclusiveness** risk level indicates a steady medium risk score of 64%. Sub-indicators that had the highest scores of risks were of Media accessibility for people with disabilities (88%), Protection against disinformation (83%) and Representation of women (75%), while Representation of minorities in the media (65%), Community media risk (63%), Media literacy activities (60%), Media literacy policies (50%) and Protection against hate speech (50%) stayed on a medium risk level. While there has been some improvement within the Media literacy indicator in 2021, in 2022 the score has visibly worsened. In comparison to the previous year (2021) there were no significant changes of the regulatory and self-regulatory framework on disinformation. An inadequate and inefficient approach to countering disinformation, that became regular occurrences in Serbia, is the consequence of regulatory shortcomings. There is no single and comprehensive approach that aims at countering disinformation, nor a national strategy in this regard, but only several general law provisions and individual self-regulatory initiatives. Local civil society, the media and fact-checking community, have been making valuable efforts in countering disinformation. The struggle of individual fact-checkers is made difficult by the fact that the spread of the false news sometimes starts from the political authorities and go via their 'friendly' media.

Focus on the digital environment



In general, the risk levels for the online media environment increase the cumulative risk assessments, especially in the area of Social Inclusiveness, transposing it into a high-risk assessment, and then in the area of Fundamental Protection, which, remains yet within a medium-risk zone. Risk assessments in the offline and online media environment are the same in the Market Plurality area. The area of Political Independence is the only one where the risks to media pluralism and freedom are lower in the online sphere compared to the legacy media, thanks to greater number of portals that function independently from the government.

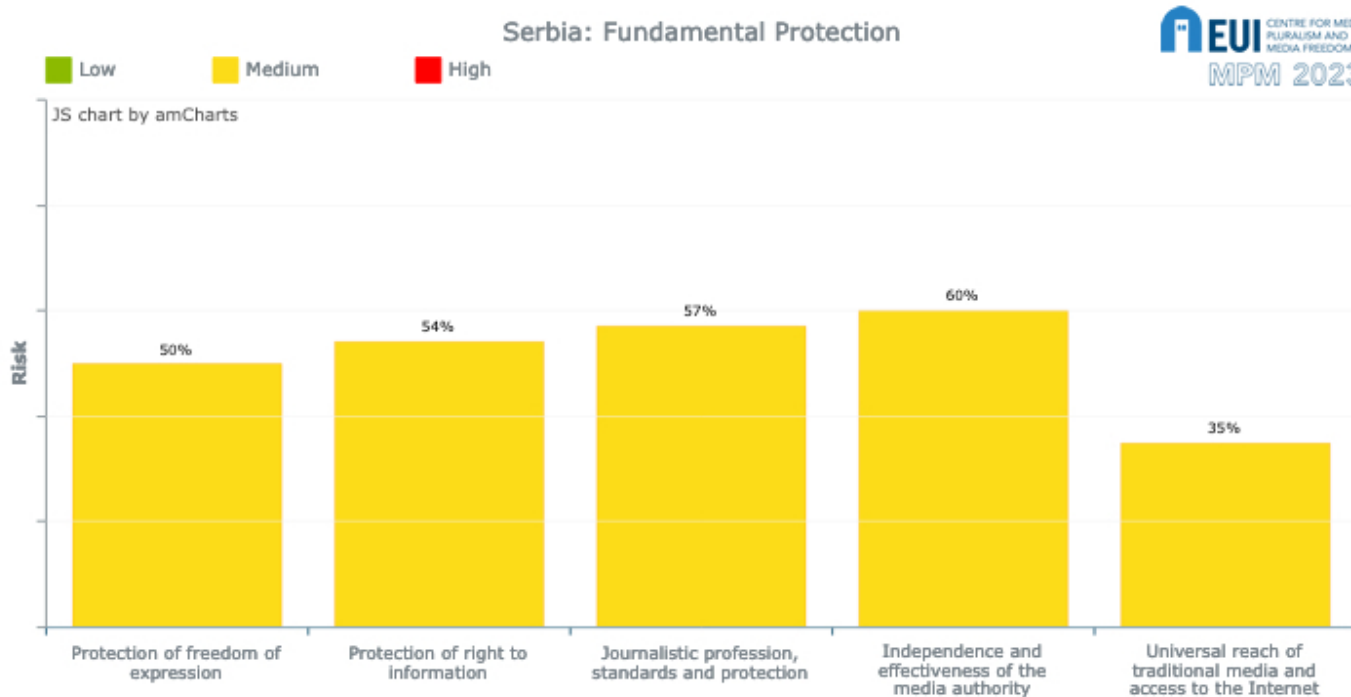
Freedom of expression online is protected by legislation that concerns legacy media as well. The restrictions to online freedom of expression are not clearly defined in a specific law. The Republic of Serbia is one of the countries that does not have specific regulation on blocking, filtering and take-down of illegal internet content, so this area is regulated by various laws not necessarily meant for the internet activities. Nevertheless, Serbia still belongs to the countries with free and open Internet; guarantees free access to information, information-sharing and use of apps and services of users' choice. It is not familiar that the State reports on filtering and removals; restrictions on the internet are assessed as largely proportional (Freedom on the Net 2022 Report).

It is not possible to determine the real extent of political control over online media via direct or indirect ownership due to the lack of transparency, which increases risk itself.

Hate speech is prohibited by law on news portals and in reader comments, but due to insufficient application of existing legal frameworks and a lack of regulations for social networks, hate speech is often used and tolerated in the media. In this respect, especially the digital environment abounds with aggressive communication, threats, and insults. The unregistered and non-regulated online platforms, act as a main spreader of disinformation and conspiracy theories.

3.1. Fundamental Protection (51% - 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 the 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** (51%).

The **Protection of freedom of expression** indicator received a score of 50%. Freedom of expression is guaranteed by the Constitution and media laws. The laws guarantee that public information is free and not subject to any form of censorship. Also, the free flow of information and the editorial autonomy of the media are prescribed by laws. Although the existing regulations are largely harmonized with European standards, the poor implementation of those laws in practice led to the fact that the Media Strategy adopted in 2020 foresees a number of changes to media laws, but the amendments to all three media laws have been delayed.^[6] The situation has not improved compared to the previous year and the overall environment for the exercise of freedom of expression without hindrance still needs to be further strengthened in practice (EC, 2022, pp. 6 and 37).

Defamation was decriminalised in 2012, but criminal legislation provides for criminal offences in the area of offences against honour and reputation, and one of them is insult. Injured party, due to reputation and honor, has the right to compensation for material and non-material damage in civil procedure according to the Law on Public Information and Media and the Law on Contracts and Torts. However, these lawsuits and other lawsuits in other proceedings are often used as pressure against critical media, known as strategic lawsuits against public participation (SLAPPs).^[7] The Law on Public Information and Media and the Law on Obligations do not fully comply with international freedom of expression standards and Serbia does not have a dedicated anti-SLAPP regulation.

The **Protection of right to information** indicator received a medium-risk score of 54%. The right of access

to information is explicitly recognised by the Constitution and by a specific Law on Free Access to Information of Public Importance (LFAIPI). The law prescribed a right to complain to the Commissioner for the Protection of Information of Public Interest and Personal Data Protection in case of the denial of access to information, the reasons for which it may be lodged, and the list of institutions against which no complaint can be filed. The adopted amendments to this law from 2021 increased the number of these institutions from 6 to 7, and they also introduced some norms that additionally limit the right of access to information, prescribing seven grounds for the restriction of rights instead of the previous five. Investigative and other journalists continued to face either frequent refusals by public bodies to disclose information, or no response at all - an 'administrative silence' (EC, 2022, p. 39). Some of the problems are the impossibility of administrative execution of the Commissioner's decision, inadequate responsibility and difficult implementation of the Commissioner's authority, many cases of abuse of rights from LFAIPI etc.^[8]

A legal framework for the protection of whistleblowers exists^[9], however it has yet to be aligned with the new EU acquis (EC 2022, p. 36). Although there are some legal mechanisms for the protection of whistleblowers, their effectiveness and thorough application critically depends on global media freedom and preparedness of the judiciary for its enforcement. The law does not prescribe criminal offenses or misdemeanors for some of the most serious violations of whistleblower rights. Potential threat to position of the whistleblowers might be coming from the drafting of the new law which would regulate internal affairs and work of the police. Incorrect implementation of the regulations could create the possibility that the identity of journalistic sources and whistleblowers who meet with journalists will be accidentally or intentionally revealed, and that the work of investigative journalists in particular may be jeopardized. The current social context in Serbia is extremely unfavorable for solving problem of protection of whistleblowers and it is no surprising that practice and experience have a very disincentivising effect on potential whistleblowers to report corruption, illegalities, violations of human rights and other irregularities.

The **Journalistic profession, standards and protection** indicator received a score of 57%. Although a minor increase in risk was recorded compared to the previous year (in 2021 it was 52%), it is still a medium risk. Journalists in Serbia work in unsafe and difficult conditions, are exposed to a lot of pressure, harassment, but also to serious threats and attacks. The cases of threats and violence against journalists remain a concern (EC, 2022, p. 37-38). Many attacks and pressures on journalists were recorded in 2022. NUNS registered a total of 137 incidents in 2022, including 9 physical attacks, 34 verbal threats, 10 attacks to property and media outlets, and 84 pressures. Although certain measures have been taken in order to improve the safety, established mechanisms, efficient reporting and in many cases the immediate reaction by the police and prosecutors, the severity and intensity of individual cases is of particular concern, as well as is the insufficient resolving of the cases. According to the records kept by the Republic's Public Prosecutor's Office, 81 criminal charges were filed before the public prosecutor's office in 2022 and in three cases a conviction was made. Of that total, 40 cases were reported for online threats, with one resulting in a conviction. There are still unresolved cases of murders of journalists.^[10] Female journalists are target of pressures, threats and especially gender-based harassments, but they are not free from physical threats and attacks either.^[11] There were no registered arbitrary arrests and imprisonments of journalists in 2022. The atmosphere of insecurity for the physical integrity of journalists in recent years has been fuelled by the practice of targeting critically oriented media and journalists by public officials, who call them enemies of the state, foreign mercenaries, criminals.

The protection of a journalist's source is prescribed by the Law on Public Information and the Media and the Criminal Code, which also prescribes the cases when a journalist is obliged to reveal the source. Protection of journalists' sources is mostly respected. In the past were examples of indirect attempts to reveal information sources, but in 2022, such cases were not recorded. However, of a particular concern is the possibility of unauthorized interception of communications and access to the so-called retained

communications which may lead to the disclosure of a journalist's source.^[12] This greatly hampers the work of journalists, especially when investigating the topics of organized crime, corruption and such.^[13] In addition to the above, a big problem are economic pressures and the sustainability of the media. The fact that journalists are economically weak and unprotected certainly makes them susceptible to all other influences, even censorship and self-censorship.^[14] There is no collective branch agreement in Serbia. Journalists are engaged under a labor contract, however, not to a sufficient extent. It is difficult for them to exercise their rights, they are hired under unstable contracts, and hiring through employment agencies is a particular problem. Freelancers are in a particularly difficult position, especially because of insufficiently regulated status and definition of freelancers and the lack of institutional support.

The **Independence and effectiveness of the media authority** indicator is at the medium risk score of 60%. The independence of the Regulatory Body for Electronic Media (REM) needs to be strengthened to enable it to efficiently safeguard media pluralism, while REM's financial stability and staff capacity remain a concern (EC, 2022, p. 38, 104). Insufficient transparency and susceptibility to political influence, the insufficient response in cases of violations of legal acts are still the biggest concerns regarding the work of REM (Babić, 2022, p. 26). The insufficient effectiveness of the Regulator is also recognized in the Media Strategy as well, and a number of measures are foreseen to improve the work of this body, also in alignment with the Audio-Visual Directive.^[15] Political influence is exercised mainly indirectly, through the process of electing members of the REM Council in the National Assembly. The authorized proposers of the Council members stand out as a potential influence by the legislative and executive authorities on the Regulator's independence. Financial independence of the regulator can be potentially breached since the National Assembly approves REM's financial plans.^[16] Although REM has at its disposal legally prescribed measures against broadcasters in case of their violation of legal obligations, it does not use these measures to a sufficient extent. In 2022 REM issued four warnings. Also, REM submitted 51 requests and initiated misdemeanour proceedings against media service providers – total of 18795 misdemeanours (REM's report, 2022, p. 18). But the practice has shown that this mechanism is not effective because many of these cases are out of date and the courts are overwhelmed with cases.

New problems and non-compliance with the law appeared when REM issued licenses to televisions with national coverage in 2022. REM gave licenses to the same television stations (Pink, Prva, B92 and Happy), even though they violated legal acts, by-laws, the Code of Journalists of Serbia, and the elaborates on the basis on which they were previously given licenses. A competition for the fifth permit was also announced, but the decision on that has not yet been made. The work of REM has been heavily criticized in connection with the conduct of this body during the election campaign. Criticisms refer to the adoption of the rulebook on the behaviour of public media broadcasters during election campaigns, but only recommendations for private broadcasters, although the Law on Electronic Media in this area does not make a difference between private and public broadcasters. Also, the REM's report^[17] and the behaviour^[18] of this body during the election campaign was also criticized.

The **Universal reach of traditional media and access to the Internet** indicator scored the lowest risk (35%) of all the indicators (lower than last year when it was 42%). Public Enterprise "Broadcasting technology and connections" is providing digital TV and radio signal with population coverage of some 98.5%. According to this enterprise, for multiplex connections the coverage is 98.37% for the first, 97.27% for the second, and 96.82% for the third multiplex. In the Republic of Serbia, 83.2% of households were covered by Broadband Internet connection in 2022, which was an increase of 1.7% when compared to 2021 and of 2.2% when compared to 2020, respectively (RZS, 2022, p.12). The average broadband Internet download speed in Serbia is significantly faster in comparison to 2021.^[19] Still the largest telecommunications operators are Telekom Srbija (in majority ownership by the state) and SBB (privately owned corporation).

Compared to 2021 when the market share of these two companies was somewhat equal, in 2022 Telekom Srbija has a significantly larger market share(56%), while SBB fell to 30,09% (RATEL's Report, p. 11).

Focus on the digital environment

The risk assessment for the **digital Fundamental Protection area** is higher than general (59%). The main reason for this is the absence of specialised and adequate regulations for digital media. There are no specific regulations that apply to the online sphere, so the current laws apply to both offline and online areas.

Serbia enjoys the status of a country with a free internet and the “environment for internet freedom in Serbia continues to be fairly open, featuring high levels of internet access, limited website blocking, and strong constitutional protections for journalists” (Freedom House, 2022). But some scientific research shows divided opinions about freedom of expression on the Internet and that the majority of internet users in Serbia do not trust the state when it comes to protecting their rights in the online space (Mitrovic, 2020, pp. 17, 20). From the beginning of 2022 the SHARE foundation recorded eight cases of unauthorized changes and postings of content, of disabling the control of account or content and of making the content inaccessible through technical methods, of which four were done to the media and journalists (<https://monitoring.labs.rs/data>). The targets of the cyberattacks were the websites of Pescanik, Beta, Danas and KoSSev, media who are critically oriented to Government work.^[20]

In 2022 there were some very serious cases of endangering the safety of journalists via the Internet have occurred. Out of the total number, 52 cases were online harassment and threats (NUNS, 2022). A particularly sensitive group are female journalists. In most cases when insults or threats are directed at female journalists, they are accompanied by sexist and misogynistic content which becomes so frequent and long-lasting that it can be considered as stalking. SafeJournalists Index stated that there has been no direct progress in this area and for that blames the increased number of attacks on women journalists, particularly in the online sphere, and the fact that prosecutor's investigations did not yield positive results in many cases.

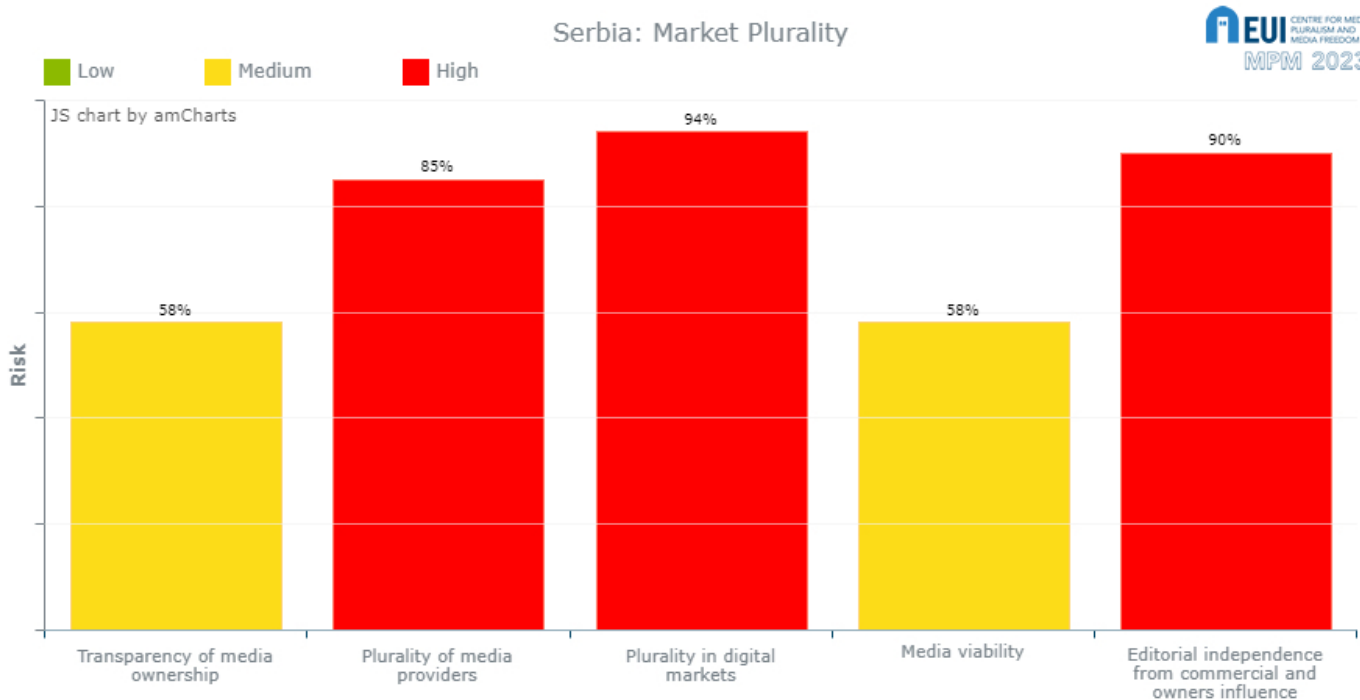
During the report period there has been no cases of reported blocking or filtering of websites by the state, nor is there evidence that some ISPs violated the principle of Internet neutrality. Most often the nature of cases are the alleged disclosure of unauthorised information, requests to remove videos from YouTube and social networks, and blocking the accounts of journalists on social networks.

The law still does not precisely define the concept of internet neutrality but stipulates a certain degree of guarantee through the principles and objectives of regulating relations in the field of electronic communications, which is close to the EU rules. Despite certain level of guarantees of internet neutrality in its regulatory framework, the major issue for the achievement of their purpose is the questionable independence of regulatory bodies implementing the law, as well as the lack of transparency of the work of both operators and competent regulators.

There are no specialised rules that prevent the illegal monitoring of journalists and media service providers by the State authorities, just the general ones. Frameworks and norms related to developing legal amendments on the freedom of expression and media, as well as on the protection and security of journalists, were agreed in the Media Strategy 2020-2025. Since the Government was in a technical mandate for about six months after the April 2022 elections, amendments and supplements to the media laws concerning the protection of journalists are still pending, although the deadlines were missed several times. Serbia still has no strategy for the personal data protection. The Law on Personal Data Protection (LPDP) was adopted in November 2018 and had entered into force on 21 August 2019. For the most part, the LPDP is an adapted translation of the General Data Protection Regulation (GDPR) and the so-called Police Directive, of which the practical application in Serbia is highly questionable.

3.2. Market Plurality (77% - high risk)

The Market Plurality area considers the economic dimension of media pluralism, assessing the risks deriving from insufficient transparency in media ownership, the concentration of the market in terms of both production and distribution, the sustainability of media content production, and the influence of commercial interests and ownership on editorial content. The actors included in the assessment are media content providers, with indicators including Transparency of media ownership, Plurality of media providers, Media viability, Editorial independence from commercial and ownership influence, and digital intermediaries (with the indicator on Plurality in digital markets).



The **Market Plurality area** registered a high risk of 77%, an increase in risk by 9 percentage points compared to the situation in 2021. All the indicators had a risk growth by a few percents during the reporting period, but the highest risks were linked to the indicators of Plurality in digital markets (94%), Editorial independence from commercial and owners influence (91%) and Plurality of media providers (85%). While Transparency of media ownership (58%) and Media viability (56%) belonged to a medium risk range. In general, risks within the area grew mostly due to the lack the political will to implement measures and actions from Media Strategy (2020) with an aim to establish functional and fair media market, protected from political influence.

The **Transparency of media ownership** indicator showed a medium risk score of 58%, where the **sub-indicator of the Transparency of ultimate ownership online** (with score of 75%) increased the overall risk assessment. Media and antitrust laws prescribe mandatory and publicly available records of beneficial owners to be kept in the registers of the Business Registers Agency (APR). The purpose of the media registers at APR and at the Regulatory Agency for Electronic Media (REM) is to secure the transparency of data on media, but the mechanism of keeping the collected data up to date and exchanging it between registers still has not been ensured. The APR Media Register should, among other things, contain data on the amount of money that media outlets received from public authorities, but this isn't always the case, as well. The media ownership transparency was passive for many media, since accurate data on their owners and public grants were available only upon request of researchers. Sufficient and updated data to identify the beneficial and ultimate owners were not available for fewer number of media since their owners were not clearly indicated in public registers and databases. This is especially true for digital news media, on

which dual registration regime applies: the provisions of general laws apply to digital native media, but they have the possibility and not the obligation to register in the Media Register. This situation is harmful for media pluralism as such portals are usually spreaders and distributors of disinformation. Hence, the Media Strategy (2020) foresaw amendments to the existing legislation in order to improve the media ownership transparency through establishing more precise information on competencies of the media authorities, on cash flows (including all monetary and other payments from public revenues), and through introduction of measurable criteria for determining the thresholds of media concentration and risks to media pluralism. In 2022 the Working Group for amendments to the Law on Public Information and Media made its proposals for improving the Media Registry and introduction of the Records of Media Content Producers, to ensure that data becomes more transparent. However, the original working group was disbanded in 2022, with a new one being formed by the end of the year. At the beginning of 2023 the process of working on the draft continues with the plan to finish it until the February 10, 2023. At the time of closing this report (Spring 2023), the Government has not yet published an official proposal for amending the Law on Public Information and Media, although the deadlines for this activity were exceeded at the end of 2021.

The **Plurality of media providers** indicator was assessed within a high-risk score of 85%. All sub-indicators of horizontal media concentration – including AVMS, digital, newspapers, and radio industry scored the maximum level of risk due to the lack of transparency. But the overall score of the indicator was a bit softened thanks to a medium risk score of 50% for **the Regulatory safeguards sub-indicator**, meaning that anti-concentration rules exist for some of the media sectors, but they are not effective in preventing very high concentration, also due to the small dimension of the market. The main problem is that the available data through Media Register run by the Business Registry Agency (APR) are incomplete and outdated, and the data on media concentration has not been provided by the media authority (REM). Although APR provides some financial data, the precise information on financial flows in the media market is unavailable. Besides, there is a lack of relevant, up-to-date and reliable research of market share of the biggest media owners and players in the advertising market for 2022.

The issues of forbidding a monopoly in the media are regulated by the media law, the Advertising Law (AL), and the competition laws in parallel. The Law on Public Information and Media (LPIM, Art. 6, 45–46) prohibits the monopoly in the public information sphere and sets too high thresholds for the concentration of media ownership. That allows an entity to, besides being media publisher, deals with distribution of media content through a connected legal entity. There are two bodies competent for overseeing concentration and compliance with ownership limitations in the media: print and registered online media are within the purview of the Ministry of Information and Telecommunication, and the Regulatory Body for Electronic Media (REM) monitors the ownership restrictions in the domain of radio and television. However, laws do not clearly define methods for measuring ownership shares, or for the verification of data on media audience preferences. Furthermore, the law does not clearly define REM's procedure in the process of determining whether there was a merger of ownership or management in the specific case, nor were legal consequences established if, after the approved merger, there was a breach of media pluralism. Also, media service providers that are not recorded in the media register engage in unfair competition, so the current number of media recorded in those registers (subjects to application of the law) does not reflect the actual situation. Therefore, the Media Strategy Action Plan provided the implementation of measurable criteria for determining the thresholds of media concentration and risk to media pluralism, in addition to the share of ratings, readership and circulation. Series of activities were planned to be implemented in 2021 and Q2 2022.^[21] But we must note that activities planned for 2021 have not been realised until the beginning of 2023, and activities that should have been realised until the end of 2022 are behind schedule. There is also the Law on the Protection of Competition, applicable to any natural persons and legal entities who participate in the market, including media owners. The Law empowers the Commission for the Protection of

Competition, which answers for its work to the National Assembly, but the Commission remains outside the competencies for the media pluralism protection that is based on very specific criteria. Similar to that, the solutions in the Advertising Law refer only to commercial advertising, while state and political advertising are not regulated by any other general or special media law. Besides the Ministry in charge of trade affairs, which supervises the application of Advertising Law, the noneffective Regulatory Agency for Electronic Media (REM) is specifically authorised for the supervision of advertising in electronic media.

In the area of cable operators, the concentration is particularly problematic. Several legal disputes and proceedings are ongoing involving Telekom Srbija (whose majority stakeholder is the State) and private company SBB (the part of the United Group), in the context of the high concentration of the media market.^[22] There is a risk that, through Telekom, which controls distribution in most of Serbia, the Government can control available broadcasters, that is, to influence on what is watched in the average Serbian household. Media concentration and the growth of Telekom Srbija have strong political implications. Through this company the main influence of the ruling political structure on the media landscape is being distributed. Furthermore the penetration of United Group in the public is being reduced, which owns two main critical broadcasters, TV N1 and TV Nova, and their cable operator SBB.

Plurality in digital markets had the highest individual risk score for all indicators - 94%. The sub-indicator on **Online platforms concentration** has scored the maximum score risk assessment due to the fact there was a lack of relevant and up-to-date data for 2022 on this issue. According to highly fragmented data that we have access to, it is impossible to measure the online audience concentration, including all the actors in digital markets. A special problem is that the evolution of competition law in the growing digital markets has not happened. Only electronic editions, i.e., edited internet pages (Art. 4, LEM) or internet portals registered in the APR Media Register are subject to the same anti-monopoly legal provisions as legacy media.^[23] Digital markets have not yet been adequately and comprehensively regulated by any specific law, except the above noted laws with insufficient provisions. A weakness of the indicator that might have influenced its overall risk score is the fact that the Serbian legal system on copyright legislation has not been aligned with EU Directive 2019/790, which means that the measures to promote publishers' remuneration by the digital platforms were not provided.

The indicator of **Media viability** showed a medium risk of 58%, where **sub-indicator of the Public incentives to media pluralism** supported this score with 50%, but **the Revenue trends sub-indicator** were situated within the high-risk score (75%). There is still a problem with a lack of data by the national regulatory institutions, but also the industry associations are not willing to provide precise, comparable, and consolidated economic data on all revenues (advertising, paid services, on-demand consumer revenues, state funding). There are only partial and unofficial data for 2022, so the lack of publicly available official data on media revenue trends and the fact that many media functions under the radar of institutions that should have an authority in this field (Business & Finance, 2022), can be regarded as a signal of a lack of transparency and thus, a high risk. It is a general opinion that the financial situation in the media industry was problematic even before corona impoverished advertising budgets. And a new crisis, the war in Ukraine, threatens to weaken media budgets again after a slight media industry recovery in 2021. WARC's forecasted data show an increase only in the audio-visual sector, from EUR 117 million in 2021 to 122,1 million in 2022 in advertising revenues. At the same time, the growth of the internet audience followed by the stronger growth of advertising income was registered in recent years. The growth of internet market by 28.8% in 2021, was close to the European level. However, we don't have revenue data for the year 2022 yet. On the other hand, in the radio sector WARC forecasts a decrease from EUR 11 million to 10.8 million, as well as in the press with a decrease of newspaper ad revenues from EUR 13.3 million to 12.9 million. When it comes to the local media market, the lack of transparency regarding financial flows was already

acknowledged as in the previous Report. Small local media had a huge drop in ad sales right after the pandemic broke out, which is why some of them started to move towards digital content. Yet, for media in Serbia the online crowdfunding is still something that is rarely thought about. Most media outlets survive by earning income from advertising and public subsidies, while access to both is largely controlled by the ruling elite (RSF, 2022).

Editorial independence from commercial and owners influence had the high-risk score of 90%. A **subindicator of Editors' appointments and dismissals** had even a maximal score risk, since there was only a weak self-regulatory safeguard within the Serbian Journalists' Code of Ethics, but the effective legal protection did not exist.^[24] The Law and self-regulatory provisions grant journalists the right to refuse to execute an editor's order if this would violate the rules of profession and journalistic ethics, but the Law does not identify media owners and management as the source of potential pressure and does not grant an adequate level of protection to editors. When it comes to advertorials, the Advertising Law prohibits disguised advertising in its article 12, but the general media law does not regulate it. In the Code of Ethics Guidelines, the journalists and editors-in-chief are asked "to refuse the placement of commercial advertising or political propaganda in the form of journalistic expression".^[25] The Media Strategy in 2020 stated that journalists and editors were under the pressure from owners who demanded special treatment for advertisers, interfered in the choice of topics and sources of information and asserted requests for disguised advertising. Therefore, the Media Strategy and its Action Plan stipulated that by Q4 2021, amendments to the Law on Public Information and Media should have provided for guarantees for the rights of editors in relation to instructions of the owner and the media management. However, during the last year, almost nothing has been done regarding changes to this law. The Working Group finished its work at the end of 2021. So-called alternative solutions (that came from some representatives close to the Government) were left in place. So, concern remains regarding the amendments to this law, that is, how the Draft law will be affected by alternative solutions that contradict the Media Strategy (Babic, 2022, p. 22).

Focus on the digital environment

The **digital Market Plurality area** registered the same high-risk assessment as the Market Plurality area as a whole (77%).

In general, the regulatory and competition framework has not been updated to address the new challenges of the digital markets, with an impact on the media market, like the dominance of the platforms in the online audience and online advertising.

Dual registration regime applies to digital news media. Online media have the possibility (but not the obligation) to register themselves in the Media Register, run by the Business Registers Agency (APR). So, the laws do not provide for an obligation that media should be registered in the Media Register managed by the APR; however, in such a case, the media can neither compete for co-financing of projects of public importance nor receive state aid in any other way.

Serbian laws do not contain any specific provisions requiring the disclosure of ultimate (beneficial) owners of digital native news media. The provisions of general laws apply to digital native media as well. Only electronic editions, i.e., edited internet pages (Article 4, LEM) or internet portals registered

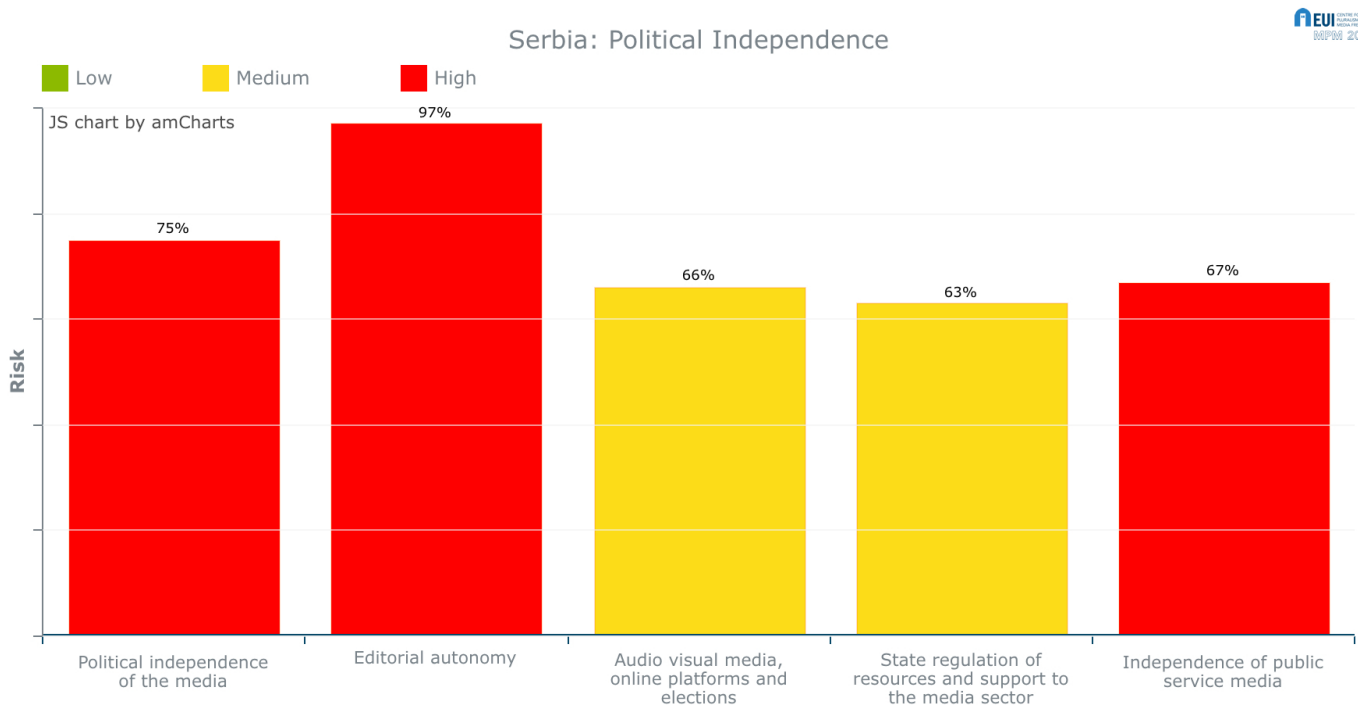
in the APR Media Register are subject to the same anti-monopoly legal provisions as legacy media. Sufficient and updated information to identify the beneficial and ultimate owners of digital native news media outlets is publicly accessible for those digital native news media which have been registered at the Media Register (the majority of digital native news media; digital native news media with the biggest audience and impact).

The data on market shares are not provided by the media nor by the competition authorities. The data on audience is not provided by the media authority, as well. Especially, it is not possible to collect all the different data on subscriptions, memberships, donations, advertising, public funding. This is due to the fact that media authorities are not effective enough and do not perform their legal obligations, but also because the media companies are not transparent regarding their revenues.

Problems were especially perceived within the field of digital advertising, since it has been regulated only by general acts that apply for advertising in traditional media. It is questionable to what extent this law can be applied to the new forms of online advertising. Legal experts believe that listing disallowed forms of internet advertising should be considered, and the list should include new forms (such as partner marketing, advertorials, etc.) to encourage the legal behaviour.

3.3. Political Independence (74% - high 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 the public service media. Furthermore, the area is concerned with the existence and effectiveness of (self)regulation in ensuring editorial independence and the availability of plural political information and viewpoints, in particular during electoral periods.



The **Political Independence** area overall scored a high risk of 74%, with some improvements within the indicators **Political independence of media** and **Independence of public service media**, but a significant deterioration within the indicator **Editorial autonomy**.

The indicator **Political independence of media** scored a high risk of 75%. The Serbian media landscape is still strictly divided between pro-government and independent media. There is no single legal act that comprehensively regulates the issue of conflict of interest between media owners and ruling parties, partisan groups or politicians in the Republic of Serbia. The most influential are still private broadcasters with national coverage (TV Pink, TV Prva, TV B92, TV Happy), that are known for years as strong supporters of the political regime. All of them received national frequencies in 2022 again, even though they violated legal acts, delegated legislation, and the Code of Journalists of Serbia, as well as the elaborates on the basis of which they were previously granted licenses (NUNS, 2022).

Political and economic influence on the media remained a source of concern (EC, 2022). The state influence over the media landscape increased in 2021 through the state-owned company Telekom Srbija, and in 2022 Telekom Srbija remained the most prominent vehicle of political influence over the media market. Vast majority of television and radio channels, as well as print media, belongs to outlets owned (controlled) by entities close to the main ruling party, with political and ideological orientation and polarization in the choices of interlocutors as well as topics and genres staying the same. This results in a narrow pluralism of media content and highly concentrated audience. In 2022, the Anti-Corruption Council submitted to the Government of Serbia the Report on Tanjug News Agency, pointing out that there were still many unresolved issues, that some resolved matters require certain reviews and it made recommendations

to the Government.

The indicator of **Editorial autonomy** received a very high 97% risk score. Self-regulatory measures in Serbia are not designed to ensure the independence of appointments and dismissals of editors-in-chief from political influence. The Media Strategy Action Plan projected improving the legislation and practice in that regard, in order to protect editors' independence from political influence. Besides all efforts, these plans have not yet been implemented. Editors in public broadcasters are under the immense influence and pressure from the representatives of the authorities, whereas the envisaged independence has never been truly achieved. The public broadcasters still belong to the group of captured media, under the state control (Djuric, 2022, p. 26). Pressures are mostly of political and financial nature and are directly related to profit-seeking in private media. Everything indicates that there is a strong political influence on the processes of appointments and dismissals of editors-in-chief in Serbian news media. The state money that was granted through public tenders, public procurement, and direct contracts in the media sector was the main instrument of financing and sustainability of numerous media houses. It was also the main channel of (non)allowed influence on editorial policies or, in many cases, a mechanism of 'soft' censorship. Besides, for years, the media independence has been undermined by editorial pressures from politically connected media owners and by direct pressure and threats against journalists, which contributes to the high rates of self-censorship. As in previous years, journalists and editors faced harassment and smear campaigns. It seemed that these acts were condoned and encouraged by politicians or public officials in 2022, who targeted journalists in their public speech.

The **Audio-visual media, online platforms and elections** indicator received a medium risk score (66%). There are legal obligations for media service providers to provide to the registered political parties, coalitions and candidates a representation without discrimination during election campaign, while outside the election campaign, they are obliged to observe the ban on political advertising. During the activities of the inter-party dialogue on election conditions with the mediation of the European Parliament before the Parliamentary and Presidential elections in Serbia 2022, the Law on Public Service Media and the Law on Electronic Media were amended in December 2021. The amendments prescribed that PSMs are obliged during regular information programs and in special broadcasts dedicated to the election campaign, to act in accordance with the principles of impartial, fair and balanced presentation of political entities, i.e. of electoral lists and candidates in elections (Art. 7 Para. 2 LPSM). The PSMs were especially recommended to organise radio and television duels or debates in order to discuss certain current political issues in the form of a discussion (Art. 7 Para. 3 LPSM). The amendments to the Law on Electronic Media (Art. 47 Para. 1 Item 5 LEM) also oblige media service providers to respect the ban on political advertising outside the election campaign and to announce fees for political advertising. EC 2022 Report on Serbia says: "Serbia should continue to take further measures to ensure that citizens are able to recognise paid political advertisement or communication and the related costs" (EC, 2022, p. 33).

Besides, REM issued a Rulebook for public broadcasters on coverage of the 2022 electoral campaign, containing a clause on banning the reporting that "allowed privileged position for authorities / public officials in relation to the other participants of the electoral process". In order to implement the media-related measures identified in the inter-party dialogue facilitated by the European Parliament, a Temporary Supervisory Body (TSB) was established with 12 members – 6 nominated by REM and 6 by opposition parties, adopting documents relating to conduct in the electoral period. REM produced five monitoring reports during the electoral campaign, but despite its mandate to oversee the broadcast media, the Regulator remained overall passive in the campaign period. The effectiveness of the newly established TSB was undermined by its lack of enforcement powers and disagreements between members nominated by the REM and those by the opposition (ODIHR, 2022; EC, 2022, p. 40).

The complete domination of the authorities' representatives in central news is a main characteristic of televisions with national coverage. There was almost no pluralism in media before and after the March 2022 electoral campaign (ODIHR, 2022; CRTA, 2022). Bureau for Social Research (Birodi) stated that its overview of media from 1 to 30 September 2021 had shown that the level of positive presentation of Serbian president "looks more like advertising than reporting". Also, in the observed media the opposition was present mostly through critical framing and extremely poorly present as a subject of reporting. Similarly, the monitoring done by the CRTA Observatory mission from 1 October 2021 to 31 January 2022 stated that of the electronic media time scheduled to political actors, 85% was dedicated to government representatives and 15% for the opposition. The presence in media by the government representatives in contrast to the opposition representatives was stronger than in the similar period before the 2020 elections. The conclusion is that the opposition parties did not have a balanced and equal access to media service providers between two elections, mostly during 2021. Only in the electoral campaign of 2022 was there a change of trend of zero or negative framing of opposition representatives, thanks to the introduction of mandatory electoral blocs in informative programs of televisions with the national coverage. This was of key importance in lowering the risk assessment in the reporting period, as the implementation of new regulation (described above) led to higher visibility of opposition candidates in the electoral campaign. Yet, the 2022 campaign period was also marked by the significant representation of the President of the Republic Aleksandar Vucic, in the programs of all television stations with national coverage (CRTA, 2022). The unequal position of representatives of the government and the opposition after the elections in April 2022 became even more obvious than it was in the period before the election campaign (Birodi and CRTA Reports, 2022).

The **State regulation of resources and support to the media sector** indicator scored a medium risk of 63%. Although the legislation mostly provides fair and transparent rules for the distribution of direct subsidies to media outlets, they are very often not clear or fair. Numerous problems in the implementation of the allocation of public funds through media project co-financing were detected, especially the lack of adequate appeal process and almost no external control in practice. The procedure of co-financing projects still recognised vaguely defined purpose of competition but without previously identified needs of the population for certain media contents. There are problems with the constitution and operation of expert panels; lack of transparency in awarding funds; allocation of high amounts for programmes that fall within medias' regular activities; inconsistencies between the decision on the distribution of funds and the proposal of competition panels contrary to legal provisions; absence of an adequate mechanism for the evaluation of approved projects; lack of adequate sanctions for non-performance and infringement of legal provisions related to project co-financing, and lack of adequate supervisory mechanisms.

Most state funds were allocated to the media through project co-financing of the media. Media also participated in the process of public procurement for media services (broadcasts of parliamentary sessions, advertising, informing the public about the work of self-government or institutions and promotional activities). Also, large sums of funds were awarded through direct grants and were generally tied to specific marketing activities related to advertising (Maksic, 2021). The media strategy includes measures to address issues of fairness in financing media content and advertising from state resources, which are overdue (EC, 2022, p. 42).

The **Independence of public service media** is at high risk (67%), registering an improvement due to both methodological changes and developments in this context. Finally, after several months and obstructions, in July 2022, REM elected new members of the Management Boards of RTS and RTV, so both public media services function with full executive bodies. Besides, the fact that RTS was not financed by the state budget in 2022 has contributed to the risk decrease.

Still, there are more reasons for giving a high-risk assessment for this indicator.

The Law on Public Service Media prescribes the procedure for appointment of management and board functions in PSM, but these legal criteria are still insufficiently clear and precise. The Council of the Regulatory Authority for Electronic Media (REM Council) plays a direct role in the selection of management board members in PSMs, while for the other two bodies (Director General and Programme Council) REM's influence is indirect. For years REM Council has been incriminated by independent national experts and in relevant international reports due to its politicization, instrumentality, partiality, lack of independence, inefficiency, etc. That casts a shadow on the credibility of the procedure and the validity of certain members' election. In the past years there were many cases of delays with the election of the vacant members of the Management Boards. In 2021, public services had no full composition of this body for three months so the work of those bodies was officially stopped. Even some members of the REM Council recognised the behaviour by REM as frivolous, as well as its attitude to all management boards, the public, and laws. Past practice shows that instead of protecting the independence of media public services, the management boards repeatedly hindered their work (Jovovic, 2022). Along with this way of selecting governing bodies, and with the still present financing from the budget (in the case of RTV for basic activities, and for both public services for special projects), there are also opportunities for state pressure, sometimes less and sometimes more visible, mostly detected in the news programs of both RTS and RTV (Jovovic, 2022). Regarding financial independence, the media law could not ensure stable funding of PSM on a multiannual basis. The latest amendments temporarily extend the regulation of the method of financing the basic activity of the public media service until the end of next year until the end of 2023. RTS has not been financed from the budget for two years in a row, but changes in the law still foresee the possibility of public co-financing if needed. While RTV continues to be partially financed from the budget.

Focus on the digital environment

The risks to **Political independence area** are lower for **digital** native media (61%) than in the whole media system including legacy media. That means the risks for political independence in general are being reduced by digital native media. The main reason for this is the fact that some digital media in Serbia function outside of the large media companies with dominant economic goals and outside of the companies that are financed by government or are under its influence. These media are "grassroots" and financed by foundations and individual donations or in a similar way, so they have greater editorial independence. Therefore, some of them are more objective and critical since through them we can hear voices of investigative journalists, civil society etc. Thus, they have bigger potential to function as a platform for democratic deliberation.

Yet the risk assessment for this area in digital environment is at a medium level. According to the Gemius Audience, during 2022 Adria Media Group (AMG) remained the company with the biggest number of real internet users, and is closely tied to the leading party. Pro-opposition United Media is in the third place, by the criteria of real users. Due to the lack of transparency, it is not possible to determine the real extent of political control in the "online world" via direct or indirect ownership. The Press Council only occasionally monitors online media - the last time it was done was during the first months of the coronavirus pandemic and the process was completed in September 2020.

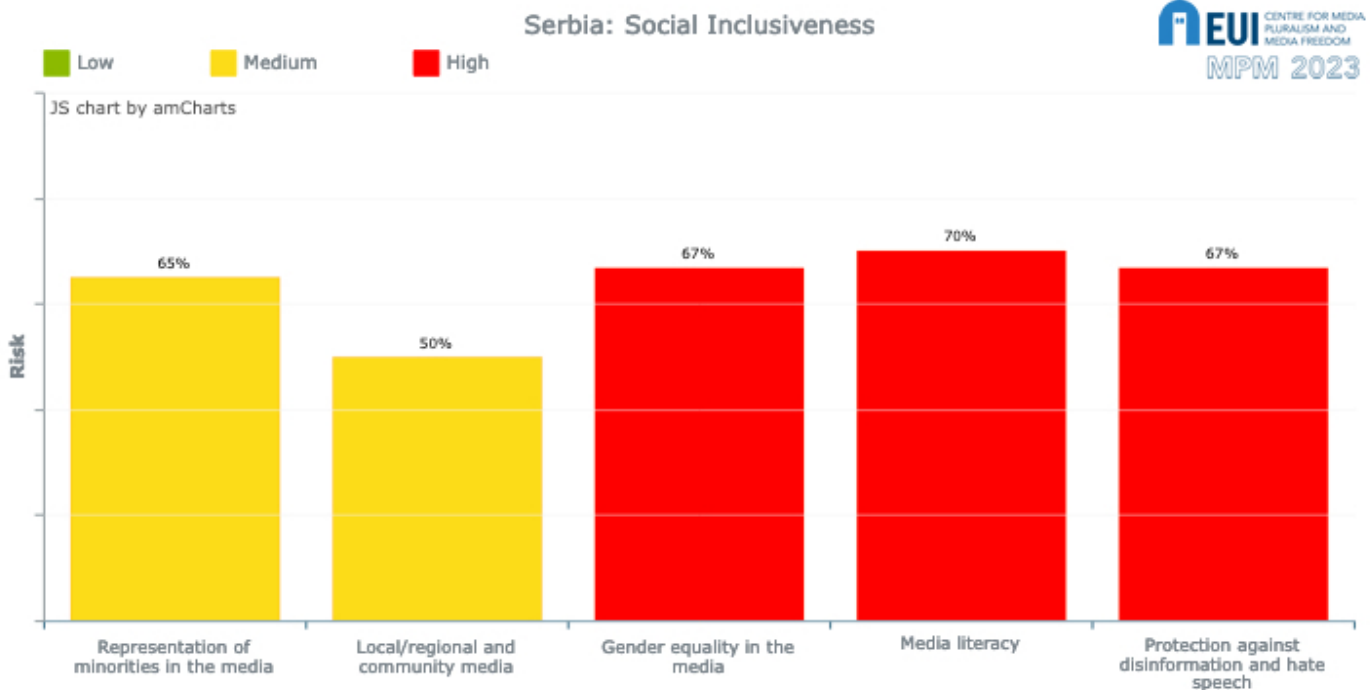
Political advertising in online media is regulated by general regulations governing the area of political advertising in the media and there are no specific provisions related to Internet. The current Law on

Advertising contains provisions on advertising in the print media and on Internet advertising (Art. 45 LA). However, these are just general provisions and do not cover any specific terms related to political advertising. Unlike the registered online media, advertising on social networks is allowed during the period of campaign silence, as social networks are not regulated by the Law on the Financing of Political Activities. Based on the insight on the data published by political actors themselves, Transparency Serbia concluded that only scarce data was available to the citizens on the 2022 elections and that the legislative changes have not brought tangible progress in this sense. There are still no special regulations governing the running of a political campaign and transparency of campaign costs on social networks.^[26] Thanks to the possibility of insight into political advertising on Facebook, we had data on the paid advertising of individual participants whose party profile was clearly marked. For Internet advertising, 46 million dinars (2.2%) of expenditure were reported, but the actual amount is much higher because as much as 4.3% of the total cost of the campaign was attributed to "other advertising costs". Data on the websites where advertising was carried out is regularly missing. Most often, the reports lack notes that would indicate whether social media advertising is included.

Unfortunately, Serbia and other countries of the region are not even in the discussion by Google for the verification of advertisers, which makes it practically impossible to research sponsored ads for Serbia on Google (SHARE, 2022, pp. 38-39).

3.4. Social Inclusiveness (64% - medium 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. Finally, it also includes new challenges arising from the uses of digital technologies, which are linked to the Protection against disinformation and hate speech.



The **Social Inclusiveness** risk level remains stable at 64%, within the medium-risk category.

The indicator of **Representation of minorities in the media** received a medium-risk score of 65%. The Law on Public Service Media remains the same, guaranteeing access to PSM airtime to legally recognised minorities. In practice, there have also been no significant changes since the last report. Public broadcasting services in minority languages are still not sufficient, except for some broadcasters in Vojvodina (EC, 2022, p. 46). While ethnic minorities are proportionally represented on Radio Television Vojvodina 2 (RTV2), the main national broadcasting service, RTS, has yet to fulfil its obligation to provide enough relevant content for all legally recognised national minorities. This is why the European Commission 2022 Report for Serbia states that public broadcasting in minority languages needs to be improved, especially as regards to RTS. However, it is worth mentioning that some improvements were noted, including the introduction of additional programmes in Albanian on RTS, as well as doubling of airtime for the multi-ethnic programme 'Citizen' (EC, 2022, p. 41). When it comes to the sub-indicator concerning **Media accessibility for people with disabilities** which received a high-risk score, not much has improved. A coherent policy for the promotion of access to media content and services for persons with disabilities has yet to be developed. The programme accessible to persons with disabilities is still very much underrepresented within public service media, while it remains completely absent from the programmes of commercial media service providers. Some parts of news programme and some TV shows were adapted for deaf persons and persons with hearing impairments (via subtitling and the use of sign language), while there is still no audio-description content for blind persons.

The local/regional and community media indicator received a score 50%, which keeps it in the medium risk area, the same as last year. Legal provisions remain unchanged because the implementation of

measures from the Media Strategy is late, as the deadline for the improvement in this area was the end of 2022. When it comes to local/regional media funding, state funds play a crucial role.^[27] There are several models of the distribution of direct state subsidies to media outlets. Most state funds are allocated to the media through project co-financing of the media. The Law on Public Information and Media (Art. 17-28) provide rules for the distribution of direct state subsidies to media outlets for realising public interest in the media. Although the funds are allocated on the basis of public competition, the process of project co-financing is problematic. The biggest winners are always regional TV stations.^[28] The second model is through the process of public procurement for media services, that is prescribed by the Law on Public Procurement (broadcasts of parliamentary sessions, advertising, informing the public about the work of self-government or institutions and promotional activities) (Djuric & Maksic, 2021). Finally, there is funding through direct contracting that allows institutions and public companies to order a very wide range of services in this way (Maksic, 2021). Individual contracts are concluded, and the most common type is a contract on business-technical cooperation. This method of financing is often misused, it is not transparent, the whole process is not sufficiently controlled, the criteria for choosing the media are not clear, there is no public call, no independent commission that decides, etc. Regarding the **Community media sub-indicator**, there were no significant changes in 2022 neither. The existing laws do not guarantee the independence of community media specifically, outside the general regulations on freedom of expression that apply to all media such as the Constitution in Art. 46 and the Law on Public Information and Media in its opening articles (Arts. 1-6). Civil society media are still largely financed through the support of foundations (non-governmental sector) and individual donations, which puts them in difficult position, as this support is temporary and usually not sufficient to sustain serious and continuous work. However, it is worth noting that community media are exempted from the payment of media service fee, as prescribed by Art. 37 of the Law on Electronic Media.

Gender equality in the media score has improved from 73% to 67%, but the indicator still remains a high-risk area. Female participation in media management and ownership remains very low. For example, within the two public media services managing boards – Radio Television of Serbia (RTS) and Radio Television of Vojvodina (RTV) – there are only two female members; one in each. The situation is somewhat better within the three commercial televisions with national frequency that have the highest ratings (B92, TV Prva i RTV Pink). They have almost double the ratio of women serving as media directors (two of these three have a female director), compared to the Public Media Services (both RTS and RTV). On the positions of editor-in-charge and general director, there are no differences in comparison to last year – for each female director there are two male directors, and there are no female general directors. Overall, the situation has not significantly improved in 2022 when compared to previous years. Women are not present very often in expert roles in media.^[29] They remain far less likely to be asked to share their opinions on important matters, and the audience is therefore less likely to hear a female perspective on various socially important topics. In other words, women's visibility is still tied to 'soft' news and entertainment, as women are more likely to talk about the issues that are traditionally seen as part of private life. Even though there is a growing number of female journalists, their percentage in editorial, managerial, and ownership roles is decreasing, which all together influences the way that female perspectives are reflected in the media. The higher engagement of female journalists in media is in large part related to poor status of journalism as a profession, which the society treats as a job with low power and very weak status.

While there has been some improvement within the **Media literacy indicator** in 2021, in 2022 the score has visibly worsened (from 58% to 70%). The Governmental Strategy for the Development of the Public Information System in the Republic of Serbia for the period 2020–2025 (Media Strategy) foresaw the measure to improve media literacy (Measure 5.1), but there is yet no stand-alone strategy for media literacy

development in Serbia, nor a consistent Action Plan for the implementation of such policy. Most importantly, there are challenges regarding the education of teachers for the implementation of programs of media and information literacy. Furthermore, there are deficiencies of official work material that would be used by teachers as educational material; as well as the lack of evaluation of effects and results achieved by the implementation of programs of media and information literacy (NNSJ, 2022). The introduction of elective program Language, Media and Culture in first and second grades of some gymnasiums in Serbia since the 2018/2019 school year is a small positive step forward (NNSJ, 2022, p. 4). By observing the initiatives of the former Ministry of Culture and Information (such as the publication of the 'Media Literacy' handbook) one can see that the state is moving towards cross-curricular application of media literacy in all classes and all school ages, but there is still much work to be done in this regard.

The indicator on **Protection against disinformation and hate speech** scored 67% and is rated as a high-risk, yet with an improvement in comparison to the 73% score in 2021. However, there is still no comprehensive regulatory framework aiming to counter disinformation in Serbia, nor the laws that define the concept of disinformation in line with the European approach to countering disinformation. There are several laws that address this issue only indirectly, through general provisions that require media to report truthfully, objectively and in a timely manner. Self-regulatory acts are also incomplete in terms of adequate interpretation of the disinformation, fake news and manipulations. The consequence of this regulatory shortcoming is an inadequate and inefficient approach to limit the circulation of disinformation and hinder possible consequences of disinformation, while not presenting any risk to freedom of expression. Disinformation was often presented top-down – starting from political power, via favourably disposed media. As the information often led to mistrust among a part of the public, it – looking for answers – sometimes incompetently accepted various partial, inaccurate, unverified, unscientific claims from the so-called conspiracy theories. When it comes to the **protection against hate-speech sub-indicator**, hate speech is prohibited by several laws in Serbia.^[30] However, in practice, hate speech and discriminatory terminology were often used and tolerated in the media and were rarely addressed by regulatory authorities or prosecutors (EC, 2022). Verbal attacks and smear campaigns against journalists persisted in 2022, even by high-ranking state officials.

Focus on the digital environment

The **digital Social Inclusiveness** got significantly worse assessment with 82% high-risk, than the medium-risk assessment of the Social Inclusiveness area in total.

Regarding the Digital media environment, the biggest problem is that platforms such as internet forums, social networks and other platforms for free exchange of information, ideas and opinions of their member (but also other independent electronic publications, such as blogs, web presentations and similar electronic presentation) are not considered as media unless they are registered in the Media Register of the APR. These unregistered platforms act as the most active spreaders of disinformation and are not regulated by the media legislation. The fight against disinformation is usually reduced to initiatives by individual media and platforms without any institutional approach. Some inaccurate and unverified information is often published on social media by publicly influential actors and sometimes by politicians. Only a small number of media outlets with limited impact and audience check their accuracy. Three platforms successfully dealing with the disclosure of disinformation are "Istinomer", "Raskrikavanje" and "FakeNews tragac". Hate speech on portals and in

the comments on media posts is subject to the legislation of Serbia, whereas social networks, forums and other online platforms are not subject to these rules and are harder to regulate and punish (CEPROM, 2020). For several years, the Liber Centre for New Media's statistics found that hate speech is the most common on Twitter. Due to insufficient application of the existing legal frameworks and a lack of regulations for social networks, the digital space in Serbia abounds in aggressive communication, threats and insults.

The relative invisibility of women in traditional media is transferred to **digital news platforms**: women made up only 21% of news subjects and sources on news websites (GMMP, 2020, p. 127).

When it comes to the **Digital competencies sub-indicator**, RATEL's report on market overview registered 41% population that had basic and above basic overall digital skills (RATEL, 2022, p. 26). This number refers to the percentage of Internet users with minimal basic digital skills and Internet users with advanced digital skills and has a lower value than in the previous year. The reason for this is a change in the calculation methodology of these indicators.

4. Conclusions

In 2022 there were no significant changes within the media environment in Serbia in comparison to the previous year. Only a deterioration in the area of Market Plurality by 9 percentage points has been recorded, and the risk levels for other areas can be perceived as stable. Since there were no improvements during the reporting period, high risks for media pluralism and freedom regarding many indicators that persist, contribute to violation of the rule of law and continuously damage democratic capacity of the media, directly weakening democratic political processes in general.

As in the 2021 Report, the main conclusion is that the Government has not delivered the activities on necessary changes of media legislation to date. The deadlines for completion of activities foreseen by the Action Plan of the Media Strategy have been exceeded. After more than a year of delay for many activities and measures proposed by the Media Strategy, in the moment of reporting (Spring 2023) we still expect the Government to publish the drafts of the said laws and public hearings to follow. Moreover, expert community still doesn't know what proposals the Government has adopted so far. Therefore, the main recommendation is that the Government should accelerate the reform and its implementation, instantly ensuring that all measures and activities envisaged by the Strategy will be implemented in the shortest possible time.

Within **the Fundamental Protection area**, although it is at medium risk, Serbia should work on the better implementation of the Media Strategy measures in order to provide a better basis for exercising the freedom of expression and freedom of the media. The Ministry of Media and Telecommunications has to complete the work on the amendments to the Law on Public Information and Media and the Law on Electronic Media, as well as to publish the Draft amendments to the Law on Public Media Broadcasters and to implement all measures foreseen by the Media Strategy. The institutions in Serbia did not do much in the previous period, our recommendations remain within the last Report.

Recommendations:

- **to the state:**

- to ensure that the Law on Public Information and Media and the Law on Obligations will be fully complied with international freedom of expression standards;
- to change the Law on Public Media Broadcasts in line with recommendations of the Media Strategy in order to ensure greater independence of public media broadcasters;
- to change the Law on Electronic Media in line with recommendations of the Media Strategy, in order to achieve independent and more efficient media authority;
- to optimally comply the Law on Electronic Media with articles 8 and 10 of the European Convention on Human Rights, with the aim of adequate protection of the data on electronic communication and of the increase of transparency in operators' reports;
- to consider the changes to the Criminal Code to ensure better journalists' safety;
- to introduce anti-SLAPP legislation;
- to align the legal framework for whistle-blowers protection with the new EU acquis;

- to ensure the protection of acquired rights of journalistic sources and to reduce the effects of biometric data collection and processing, as well as to enhance responsibility of the persons who do it. In particular, to strengthen the responsibility and sanctioning of persons who abuse and harm journalists and their sources;
 - to ensure the greater protection of journalistic sources, especially having in mind possibility of introduction of biometric data collection and processing by the new Law on Internal Affairs;
 - to introduce collective branch agreement by law in order to improve the social and economic position of the branch;
 - to reintroduce the asymmetric mandate and then the complete election of the new REM Council, in order to establish politically independent and effective regulator;
 - to ensure the adequate responsibility of members of the Council of REM in cases of violations of the application of regulations, as well as of members of professional services;
 - to precisely define and improve the concept of internet neutrality, including the obligations of electronic communications operators and internet service providers;
- **to the competent Ministry:**
 - to ensure the transparency of the law amending processes in line with the Media Strategy;
- **to the Government:**
 - to consult relevant stakeholders when drafting any legislative or policy documents, i.e. that they need to be co-created in a participatory manner;
- **to the state authorities and other political agents:**
 - to condemn clearly and unequivocally each and every case of violence against journalists, in order to achieve the appropriate environment for journalists' uninterrupted work;
 - officials should refrain from labelling or making verbal attacks on journalists;
- **to the prosecutors, courts and other competent authorities:**
 - to sanction consistently all attacks on journalists, and ensure prompt legal action in practice without exemptions;
 - to use established mechanisms for the protection of journalists;
- **to the regulatory authorities and other competent authorities:**
 - to prevent and sanction hate speech and verbal attacks coming from political actors against journalists.

The Market Plurality area highest-risk score shows that media pluralism is especially jeopardised in digital markets, also by big commercial and owner influence over editorial content as well as by high news media concentration including the online sphere. There is a permanent lack of relevant, up-to-date and reliable

data on the biggest media owners' market share and players in the advertising market. Also, there are only partial and unofficial data on media revenue trends. Furthermore, the level of non-transparency in media industry stays high regarding even most basic data on the domestic media market, starting with the actual number of print and electronic media outlets, readership and viewership, to the data on the market value, the precise and accurate information on financial flows in the media market, etc. The lack of transparency within media market boosts declining conditions for media freedom and quality and investigative journalism. Thus, our recommendations remain within the last Report's frames.

Recommendations:

- **to the state:**

- to accelerate the law reform in line with the Media Strategy and its implementation;
- to change the existing legislation in order to improve media ownership transparency through more precise information on cash flows, including all monetary and other payments from public revenues and other relevant data;
- to establish the clear competencies of the media authorities and clear criteria for deleting media from the Register, and the measurable criteria for determining the thresholds of media concentration and risk to media pluralism, in addition to the share of ratings, readership and circulation;
- the legislation on the online media markets should be comprehensively improved in line with the European regulatory framework;
- because it was found that there was a high degree of commercial and ownership influence over the editorial content, amendments to the Law on Public Information and Media should have been provided for guarantees for the rights of editors-in-chief and journalist to protect the independence of the editorial choices from the owner and the media management;
- to amend the Law on Electronic Media to clearly determine the powers of the Electronic Media Regulatory Authority (REM) in the process of determining whether there has been an unreported merger of media ownership, as well as appropriate protection mechanisms;
- the field of digital markets should be covered by law provisions which deal with the concentration in the online advertising;
- to adopt copyright legislation aligned with EU Directive 2019/790, with the aim to improve copyright protection and provide a publishers' remuneration by the digital platforms;

- **to the competent authorities and media outlets:**

- all the data on media ownership requested by laws should be collected and made available to the public;

- **to the Business Registers Agency (APR):**

- the official data on financial flows and total media revenue trends and advertising market should be up to date and publicly available, in order to decrease the persistent lack of transparency regarding

financial flows in the media market and thus to lower the risks for the media pluralism.

The **Political Independence area** remained under high risks for media pluralism and freedom. In general, there have been no improvements within this area since the last report. Therefore, our recommendations mostly stay the same. The authorities, political parties, and state-owned companies still use their financial power to influence editorial policies while the media lack the political or financial clout to stand up to the pressure, especially in local media markets. Hence, adequate and efficient legal safeguards against corruption and clientelism should be precisely prescribed by the law and implemented in practice. The same goes for the process of electing PSM Managing boards and directors - as it should unfold without political pressures, the Government must publish the draft of the Law with new provisions which will enable removing the obstacles for political independence of PSM. Also, in order to achieve a functional, sustainable and fair media market, protected from political influence, the co-financing of media by state funds should be transparent, fair, and under clear criteria. Regarding this item, we offer several new recommendations.

Recommendations:

- **to the state:**

- all aspects of the category of "affiliated legal person" that could exert influence on public information activities should be comprehensively defined, especially the influence arising from marital relations, kinship, or financial ties;
- the area of political advertising should be regulated by the Law, in a way that guarantees the equal accessibility of political advertisement to all political players, under the same conditions;
- to prescribe comprehensive and sufficient legal provisions that guarantee the fair representation of political parties and their access to airtime in private media during election campaigns;
- to precisely prescribe the legal obligations to political actors to make transparent and regular reports on spending in their online campaigns;
- to timely implement the Media Strategy's measures into the Law on Public Service Media to decrease the risks for media freedom, that is to ensure the greater independence of PSMs, of PSMs' bodies and their members, so they could play the role in line with the legal provisions as citizens' public service;
- to introduce mandatory analyses of the needs for media content with the aim of determining the public interest for each special local self-government;
- to improve the control mechanisms of co-financing procedures and establish an effective legal remedy in this area, and not only for co-financing, but also other forms of funding;
- to adopt and implement legislative initiatives based on the Media Strategy, launched in late 2020 and early 2021, regarding the upgrade of competitive procedures for co-financing and other forms of state aid, as well as of the improvement of data transparency and availability of these processes;

- **to the state and media authority:**

- to determine clear criteria for the selection of members of expert commissions and responsibility in cases of abuse, along with prescribing sanctions for illegal actions;
- **to the media authority:**
 - to ensure that PSMs offer all political actors' equal treatment both during and beyond election campaigns, using prescribed powers and competencies;
- **to the media outlets and self-regulatory bodies:**
 - to introduce adequate self-regulatory rules that could made newsrooms more independent from the media outlets' management and ownership.

Within the **Social Inclusiveness area** the highest risks are related to the sub-indicator of **Protection against disinformation**. Also, the representation of minorities in the media, including media accessibility for people with disabilities, is marked with high risk, as is the indicator of Gender equality in the media. The media position of vulnerable groups should be improved in line with new law provisions.

Recommendations:

- **to the state:**
 - to introduce new legal formulations in the Law on Electronic Media that will specify program quotas for public media and bind commercial media service providers to adapt their contents to persons with disabilities, as it was foreseen by the Media Strategy;
 - to introduce law provisions guaranteeing independence of community media;
 - to continue the integration of media literacy into formal and non-formal educational programmes;
 - to introduce laws that will define the concept of disinformation in line with European standards and prescribe the countering of disinformation, without jeopardizing the freedom of expression;
 - to introduce law provisions that will prescribe the countering of disinformation online as well;
- **to the state and media authority:**
 - the broadcasting of programmes in minority languages needs to in line with the current legal framework;
- **to media outlets:**
 - to improve the visibility of women in the positions of subjects and sources of the media reporting, especially presence of female experts in news programs.

5. Notes

- [1] The last census in Serbia was held in October 2022, and the complete results are still expected.
- [2] There is also a significant number of Slovaks – 52,750, Croats – 57,900, Montenegrins 38,527, Vlachs – 35,330, Romanians – 29,332, Macedonians – 22.755, while the following minorities have numbers under 20,000: Bulgarians, Ruthenians, Bunjevci; a few thousand – Germans, Slovenians, Albanians, Ukrainians, and a few hundred – Poles, Ashkali and Greeks (MDULS, 2022).
- [3] Constitution of the Republic of Serbia, Official Gazette of the RS no. 98/2006; Law on Public Information and Media, Official Gazette of the Republic of Serbia no. 83/2014, 58/2015 and 12/2016; Law on Public Service Media, Official Gazette no. 83/2014, 103/2015, 108/2016 and 161/2020; Law on electronic media, Official Gazette of the Republic of Serbia no. 83/2014 and 6/2016; Law on Free Access to Information of Public Importance, Official Gazette RS, no. 120/04, 54/2007, 104/2009, 36/2010 and 105/2021; Law on the Protection on Whistle-blowers, Official Gazette no. 128/2014; The Law on Electronic Communications, Official Gazette no. 44/2010, 60/2013, 62/2014 and 95/2018; Law on the Central Register of Beneficial Owners, Official Gazette of the Republic of Serbia no. 41/2018 and 91/2019; Law on Protection of Competition, Official Gazette of the Republic of Serbia no. 51/2009 and 95/2013.
- [4] A person who is considered to be connected with the company or its persons discharging managerial responsibilities. Also, other company may be a connected person if held the voting rights or equity shares.
- [5] Rulebook on the manner for the performance of obligations of public media services during the election campaign (2022) and Recommendation for private media on coverage of the campaign (2022).
- [6] The implementation of the Media Strategy is not in accordance with the established deadlines in the Action plan for its implementation, and the amendments to all three media laws are delayed. In the Action Plan for the Implementation of the Strategy for the Development of the Public Information System in the Republic of Serbia for the period 2020-2025, the amendments to the Law on Public Information and Media were supposed to be completed by the end of 2021. The working group started to work on the changes but with several postponements of the deadlines it was supposed to be completed by the end of 2022. However, that did not happen either. Amendments to the Law on Electronic Media in line with the Action Plan supposed to be completed by the second quarter of 2022, and amendments to the Law on Public Media Services by the end of the third quarter of 2022. But no changes were made.
- [7] The analysis of recorded cases shows that the majority of the cases are conducted in civil proceedings, with a much lower number of cases in the criminal proceedings and very few cases before the Commercial Court. In civil proceedings, the majority of lawsuits pertains to compensation of damages, primarily non-material damages for mental anguish due to injury to reputation and honour, but also material damages. The claimants are, in a large number of cases, public officials and politicians, businessmen, and companies.
- [8] The problem is the impossibility of administrative execution of the Commissioner's decision. When the Commissioner cannot enforce its decisions by imposing fines, they submit a request to the Government to ensure the execution of the decision, by direct coercion. But in 2021 the Commissioner submitted 82 requests to the Government for the security of execution and on that occasion, did not receive any feedback (Commissioner's report, 2021, p. 15). Also, the problems are inadequate responsibility and difficult implementation of the Commissioner's authority, many cases of abuse of rights from LFAIPI, also a significant increase in non-justification from LFAIPI ("abuse of abuse of rights"). Journalists and media representatives filed 337 complaints with the Commissioner in 2021

and the largest number of these complaints (196) were filed precisely due to the management silence. (Commissioner's report, 2021, p. 69)

- [9] Law on the Protection on Whistle-blowers, Official Gazette no. 128/2014.
- [10] Two cases are still in the pre-investigation phase (Milan Pantic and Dada Vujasinovic), while in the case of Slavko Curuvija, for the second time, a second-instance court decision is pending.
- [11] Since the number of attacks on women journalists increased, in particular in the online sphere, and as prosecutor's investigations did not yield positive results in the majority of cases, there has been no direct progress in a specific area of women journalists' protection (Djuric, 2022, p. 27).
- [12] The Media Strategy (2020) presupposes the Amendments of the Law on Electronic Communications to revise the current system of communication data retention. Even though the government has adopted the Draft Act on Electronic Communications in October 2017, it did not enter the parliamentary procedure but was withdrawn. After that, in the middle of 2021 the current Draft Law on Electronic Communications was published, but this draft also omits the detailed regulation of legal interception of electronic communication, its retention and the access to the retained communication data. Public hearings on this Draft were held in July and August 2021 so after critical responses the Government had adopted the "Solomon solution": to leave the existing legislative solutions in force even after the new Law comes into force, until the adoption of the "law that regulates the legal interception and retention of data". As European Commission requests Serbia to align the electronic communications legislation with the updated EU regulatory framework, including the new European Electronic Communications Code and the Cost Reduction Directive, the new minister of information and telecommunications has recently announced the creation of the Working Group that will draft the final version of the Law on Electronic Communications (<https://www.ekapija.com/news/3919414/ministarnajavio-nacrt-zakona-o-elektronskim-komunikacijama-u-srbiji>). However, there is no specific timeline for the adoption of new law that will fully comply this issue with Arts. 8 and 10 of the European Convention on Human Rights, that is, of the law that will exclude the possibility of disproportionate intrusion of privacy and the secrecy of communications.
- [13] The Media Strategy recognised this problem and predicted changes to the law in the field of electronic communications in order to regulate the protection of journalists' sources, but also in the Criminal Code (Media Strategy, 2020, p. 50).
- [14] As their biggest problems, journalists point out low salaries, irregular payments, uncertainty, and precariousness of them staying in the media outlet, poor working conditions in their jobs and in journalistic professional, numerous other pressures that largely aggravate the job in the media such as selection of topics and even censorship. They have to work for several newsrooms or carry out tasks completely unrelated to the journalistic profession. This is quite typical for journalists in local media (Djuric, p. 24).
- [15] The working group for amendments to this law was formed in January 2023, although the changes were supposed to be completed in 2022.
- [16] REM Statute is subject to approval by the National Assembly and other by-laws regulating more precisely the amount of charge, change in the pricing and the method of calculating media service provision fees, are subject to the Government's approval.
- [17] Among other things, critics pointed out that the monitoring should have included, when it comes to cable TV stations, not only N1 and NovaS, which are represented by the distributor SBB, but also channels that are broadcast only by the distributor MTS (Tanjug, Euronews, K1, TV Kurir). One of the objections was that the analysis was not carried out according to actors, that is, participants in the election process, as defined in the OSCE guide for media monitoring, but according to pieces of

media programme. Another objection was that it was not determined whether state officials, i.e. their political parties had too much advantage from extensive reporting on their activities (for example, through uncritical reporting), and that it is not clear whether monitoring was carried out only in cases when officials themselves spoke, or also when someone else spoke about them.

- [18] The report of the Election Observation Mission shows that the REM was passive during the election campaign and that a number of long-standing recommendations remained unresolved, especially those related to independence and efficiency of this body (ODIHR, 2022, p. 7 and 21).
- [19] According to Cable.co.uk, the average broadband Internet download speed in Serbia is 51.84 Mbps (world rank 49), and this is a significant increase in comparison to 2021. when the average broadband Internet download speed in Serbia was 36.59 Mbps (world rank 62).
- [20] From the beginning of 2022 until November 20, SHARE Foundation recorded 31 violations that were committed against journalists and the media, while 10 of those were committed by state authorities, public officials and political parties. SHARE Foundation's latest monitoring of violations of digital rights in the period from January-March 2022, showed diverse violations: cases of phishing campaigns, fake posts and identity theft, as well as paid promotion of fake content were recorded. There were also violations of information privacy and security, and content blocking and filtering, and one DDoS attack was registered.
- [21] To make an analysis of the media market and state of competition in the media market and related markets (media advertising distribution market, advertising market, etc.) (deadline: Q1 2021); to provide verified data on media audience preferences; to enact Amendments to the Law on Public Information and Media to determine measurable criteria for measuring media concentration thresholds (Q4 2021); to amend the Law on Electronic Media to clearly determine the powers of the Electronic Media Regulatory Authority (REM) in the process of determining whether there has been an unreported merger of media ownership, as well as appropriate protection mechanisms (Q2 2022)
- [22] Within the joint-stock company Telekom Srbija under the MTS brand operate a mobile telephony service, cable TV operator, internet and telephony operator Supernova, sports television Arena and informative TV Euronews Serbia, among other units. On the other hand, the cable network SBB (Serbian broadband) is part of the private company (United Group), which operates in eight countries of South-eastern Europe, under whose auspices operate informative television and portal N1, TV and portal Nova S, channels Newsmax Adria and Sport Club.
- [23] The Law of Public Information and Media (LPIM), as the overarching law, also covers the digital news media sector, recognizing as media "autonomous electronic editions (edited internet pages or internet portals), registered in the Media Register, in accordance with this Law" (Article 29, paragraph 2). Also, LPIM in Article 31 states that media are not "platforms, such as internet forums, social networks and other platforms, allowing for a free exchange of information, ideas and opinions of their members, or any other independent electronic publication, such as blogs, web presentations and similar electronic presentations, unless they are registered in the Media Register". Thus, LPIM provides for the registration in the Media Register of data which should apprise the public of the ownership structure (Article 39, paragraph 1, item 8), digital news media editorial boards, as well as of the state aid funds obtained by media (Article 39, paragraph 1, items 9 i 10).
- [24] Media outlets in Serbia do not possess self-regulatory mechanisms that are completely in line with the Commission Recommendation (EU) 2022/1634 (1) on internal safeguards for editorial independence and ownership transparency in the media sector. Internal rules of news organisations to protect editorial integrity and independence from political and business interests which may affect individual editorial decisions are not defined precisely, neither are the rules ensuring the separation between commercial and editorial activities.
- [25] In addition, the Guidelines explain that "a journalist must be particularly careful when using press

releases, articles and other material from PR and marketing agencies, since they primarily aim to provide for their clients (directly or indirectly) free and favourable publicity."

- [26] The Law on the Financing of Political Activities (LFPA) in Article 29 stipulates that the election campaign expenditure report shall be published on the website of the Anti-Corruption Agency. However, during legislative changes a chance was missed to improve the reporting on campaign expenses so that the expenditure on social network advertising, that is ever bigger, is separately listed.
- [27] In 2022, the Ministry of Culture and Information of Serbia has appropriated 310 million dinars (close to 2.65 million euros) for co-financing projects in the field of media and information. The funding was provided to 577 subjects that have proposed their projects (Danas, 2022). The local municipalities have appropriated 1,421,985,000 dinars in the first seven months of 2022 for the calls for co-financing the production of media content, which is 20% more than in the same period of the previous year. In the first seven months of 2022, 125 calls have been opened, which is roughly the same as in the previous year.
- [28] Data is available at the BIRN database "Overview of public spending in the field of public information, culture, civil society and youth in the period 2019-2021" (in Serbian): <https://birnsrbija.rs/javno-o-javnim-konkursima/>
- [29] The latest Global Media Monitoring Report (GMMP 2020) shows that women in Serbian media accounted for 19% of the persons whose voices are heard, who are covered by the media or visible as subjects and sources in the press, television or radio news (GMMP, 2020, p. 82). This result has worsened during the last five years, and now it is positioned below the global (25%) or European (28%) average. In political topics, which dominate the Serbian media, women account for only 16% of the subjects and sources. On the other hand, in news about gender and related topics, they make up 67% of all subjects and sources.
- [30] The Constitution of the Republic of Serbia in Article 50 guarantees prevention of "advocacy of racial, ethnic or religious hatred enticing discrimination, hostility or violence" (RS Constitution, 2006); the Law on Public Information and Media (2014) in its Articles 75 and 76; the Law on Electronic Media (2014) in its Article 51; the Law on the Prohibition of Discrimination (2009) in Article 11; the Criminal Code (2005), etc.

6. References

- Babic, M. (2022). Media Freedom in Serbia – Freedom of Expression and Media Pluralism 2021/2022. Alternative Report on the Implementation of the Revised Action Plan for Chapter 23. Belgrade: NUNS. https://safejournalists.net/wp-content/uploads/2022/11/MEDIA-FREEDOM-IN-SERBIA_eng_final.pdf
- Babic, M. et al. (2022). Report on the work of Standing Working Group for the journalists' safety for the 2022. <https://bezbedninovinari.rs/file/files/documents/izvestaj-o-rad-u-srg-2022.pdf>
- Business & Finance (2022). How Sustainable is Media Business in Serbia (in Serbian). [tržište neodrživo - Biznis i Finansije \(bif.rs\)](https://trziste neodrzivo - Biznis i Finansije (bif.rs))
- Commissioner (2021). The Report on the Work of the Commissioner for Information of Public Importance for 2021. https://www.poverenik.rs/images/stories/dokumentacija-nova/izvestajiPoverenika/2021/Izve%C5%A1ta2021CIR_eng_ceo.pdf
- CRTA (2022). Second preliminary report of long-term observers 15.02-25.03.2022 (in Serbian). https://crt.rs/wp-content/uploads/2022/03/Drugi-izvestaj-o-kampanji-Posmatracke-misije-Crte_15-februar_25-mart_2022-godine.pdf
- CRTA (2023). Elections 2022, final report with recommendations (in Serbian). <https://crt.rs/wp-content/uploads/2023/01/Izbori-2022-godine- CRTA-Završni-izvestaj-sa-preporukama.pdf>
- Cabarkapa, D. (2022). Interview with Dragana Čabarkapa, a journalist, president of the Union of Journalists of Serbia (SINOS), held on 14 January 2022, by email.
- Danas (2022). Belgrade Center for Human Rights: Citizens believe that their rights are not protected in Serbia (in Serbian). <https://www.danas.rs/vesti/drustvo/beogradski-centar-za-ljudska-prava-gradjani-smatraju-da-im-prava-u-srbiji-nisu-zasticena/>
- Djuric, R. & Maksic, T. (2021). Public Procurement of Media Services (in Serbian). [Javne nabavke medijskih usluga.pdf \(birnsrbija.rs\)](https://javnepredmeti.gov.rs/objavljeno/2021/03/29/Javne-nabavke-medijskih-usluga.pdf)
- Djuric, R. (2022). SERBIA Indicators on the level of media freedom and journalists' safety 2021. [SRB-ENG-2021.pdf \(nuns.rs\)](https://nuns.rs/wp-content/uploads/2022/01/SRB-ENG-2021.pdf)
- EC (2022). Serbia 2022 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2022 Communication on EU Enlargement Policy. [EUR-Lex - 52022SC0338 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022SC0338)
- Freedom House (2022). Serbia: Freedom on the Net 2022, [Serbia: Freedom on the Net 2022 Country Report | Freedom House](https://freedomhouse.org/country/serbia/freedom-on-the-net-2022)
- Gavrilovic, Z. (2022). From the Campaign of Officials to the Industry of Populism, Belgrade: BIRODI. [FROM-THE-CAMPAIGN-OF-OFFICIALS-TO-THE-INDUSTRY-OF-POPULISM.pdf \(birodi.rs\)](https://birodi.rs/wp-content/uploads/2022/01/FROM-THE-CAMPAIGN-OF-OFFICIALS-TO-THE-INDUSTRY-OF-POPULISM.pdf)
- Gavrilovic, Z. (2022). Interview with Zoran Gavrilović, a Sociologist and Associate of the BIRODI (Bureau for Social Research). The Interview was held by email, on 12 January 2022.
- GMMP (2020). 6th Global Media Monitoring Project. https://whomakesthenews.org/wp-content/uploads/2021/07/GMMP2020.ENG_FINAL20210713.pdf
- Janjatovic Jovanovic, M. (2022). Interview with Milica Janjatović Jovanović, PhD Candidate, a researcher at the Novi Sad School of Journalism. The Interview was held on 12 January 2022, by email.
- Jovovic, J. (2022). Interview with Jelena Jovović, a researcher at the Novi Sad School of Journalism, psychologist. The Interview was held on 12 January 2022, by email.
- Jovovic, J. (2022). Public services: special media of special responsibility (in Serbian). <https://novinarska-skola.org.rs/javni-servisi-posebni-mediji-posebne-odgovornosti-mediji-posebne-odgovornosti/>
- Maksic, M. (2021). Business with state, 1 on 1. State monitoring media financing through direct contracting

(in Serbian). <https://nuns.rs/media/2021/10/Direktna-ugovaranja.pdf>

MDULS (2022). Minority policies. [Ministarstvo državne uprave i lokalne samouprave | Manjinske politike \(mduls.gov.rs\)](#)

Media Strategy (2020). Strategy for the Development of the Public Information System in the Republic of Serbia in the period 2020–2025 (Media Strategy) (in Serbian).

https://www.media.srbija.gov.rs/medsrp/dokumenti/medijska_strategija210_cyr.pdf

Mitrovic, M. (2020). Freedom of Expression and Protection of Personal Data on the Internet: the Perspective of Internet Users in Serbia.

<https://aseestant.ceon.rs/index.php/comman/article/view/28316/16974>

NNSJ (2022). Introduction to media literacy (in Serbian). <https://novinarska-skola.org.rs/uvod-u-medijsku-pismenost/>

NUNS (2022). NUNS Database (in Serbian), [BAZA NAPADA NA NOVINARE \(bazenuns.rs\)](#)

ODIHR (2022). Predsednički i vanredni parlamentarni izbori 3. april 2022 (in Serbian). [IZVESTAJ ODIHR.pdf \(parlament.gov.rs\)](#)

PrEUgovor Alarm (2022 May). Report on the Progress of Serbia in Cluster

1. [preugovor_202205_alarm_en_final\(2\).pdf](#)

PrEUgovor Alarm (2022 November). Report on the Progress of Serbia in Cluster 1. [preugovor_alarm_report\(1\).pdf](#)

RATEL (2022). An Overview of the Electronic Communications Market in the Republic of Serbia. The Fourth Quarter of 2022. [Q4 2022.pdf \(ratel.rs\)](#)

Reporters Without Borders (RSF) (2022). RWF. Serbia. <https://rsf.org/en/country/serbia>

RESOURCE CENTRE ON MEDIA FREEDOM IN EUROPE (2022). Multiple journalists threatened and harassed in Serbia, authorities must take urgent action. <https://www.rcmediafreedom.eu/News/Multiple-journalists-threatened-and-harassed-in-Serbia-authorities-must-take-urgent-action>

Statistical Office of the Republic of Serbia (RZS) (2022). First Results of the 2022 Census of Population, Households and Dwellings. <https://www.stat.gov.rs/en-us/vesti/statisticalrelease/?p=14061&a=31&s=3104>

Statistical Office of the Republic of Serbia (RZS) (2022). Annual survey on the use of information and communication technologies in the Republic of Serbia. [G202216017.pdf \(stat.gov.rs\)](#)

SHARE Foundation (2022). Monitoring digital rights violations in Southern and Eastern Europe (in Serbian). <https://www.sharefoundation.info/sr/pregled-stanja-digitalnih-prava-u-sestomesecnom-periodu-bezbednost-i-privatnost-na-udaru/>

The Media Freedom Rapid Response (MFRR) (2022). MFRR Monitoring Report. Mapping Media Freedom. <https://www.mfrr.eu/wp-content/uploads/2022/09/MFRR-Monitoring-Report-January-to-June-2022.pdf>

ANNEXE I. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2023 CT Leader
<i>Irina</i>	<i>Milutinovic</i>	<i>Senior Research Associate</i>	<i>Institute of European Studies</i>	X
<i>Rade</i>	<i>Djuric</i>	<i>Lawyer, Legal Researcher</i>	<i>Independent Journalists' Association of Serbia (NUNS)</i>	
<i>Jovica</i>	<i>Pavlovic</i>	<i>Research Associate</i>	<i>Institute of European Studies</i>	
<i>Marija</i>	<i>Babic</i>	<i>Lawyer, Legal Researcher</i>	<i>Independent Journalists' Association of Serbia (NUNS)</i>	

ANNEXE II. GROUP OF EXPERTS

The Group of Experts is composed of specialists with a substantial knowledge and experience in the field of media. The role of the Group of Experts was to review especially sensitive/subjective evaluations drafted by the Country Team in order to maximize the objectivity of the replies given, ensuring the accuracy of the final results.

First name	Last name	Position	Institution
<i>Gordana</i>	<i>Novaković</i>	<i>General Secretary</i>	<i>Press Council</i>
<i>Slobodan</i>	<i>Kremenjak</i>	<i>Lawyer, Partner</i>	<i>Zivkovic Samardzic Law Firm</i>
<i>Tamara</i>	<i>Filipović</i>	<i>General Secretary</i>	<i>Independent Journalists' Association of Serbia (NUNS)</i>
<i>Slobodan</i>	<i>Krajnović</i>	<i>Director</i>	<i>Radio 021 and Novi Sad Informative Portal</i>
<i>Stevan</i>	<i>Ristić</i>	<i>Director; President of the Board of Directors</i>	<i>Newspaper company "Vreme"; Media Association (ASMEDI)</i>
<i>Aleksandra</i>	<i>Krstić</i>	<i>Associate Professor</i>	<i>Faculty of Political Sciences, Belgrade University</i>
<i>Nevena</i>	<i>Krivokapić Martinović</i>	<i>Lawyer, Legal Researcher</i>	<i>SHARE Foundation, Association of Online Media (AOM)</i>

Research Project Report

Issue -

June 2023

doi:10.2870/331392

ISBN:978-92-9466-458-7

QM-07-23-216-EN-N



Publications Office
of the European Union

