

RECOMMENDATIONS FOR REGULATION OF SYSTEM FOR FINANCING LOCAL MEDIA



The Article 20, Paragraph 1, Point 34 of the Law on Local Self-Government (“Official Gazette RS”, No. 129/2007) stipulates that the municipality shall ensure public information of local interest and provide conditions for public information in Serbian language and the languages of national minorities that are used in the municipality.

The appropriate documents should necessarily specify:

- that the total funds for this purpose are determined and allocated in local budgets
- that their minimum proportional share of the total budget of local self-government is uniquely determined by the state level and
- that the funds allocated in such manner also include funds that have so far been particularly allocated for financing local public companies for information

and all for the purpose of ensuring the protection of competition in the media market through a uniform treatment of these funds.

The appropriate documents should necessarily ensure that the total funds for this purpose, without exception, are distributed in public competitions for funding projects that provide information and media contents of local importance in the Serbian language and the languages of national minorities, which are used in the municipality, under the same conditions for all local media in the territory of that local government. It is necessary to ensure with documents that the process of allocation of resources is fully transparent, from the formation of commissions that would decide on the allocation, through the announcement of the competition, the course of tender procedures, to the notification of results of the competition.

It is necessary to ensure with relevant documents that the right to participate in public tenders shall exclusively have the founders of the media with appropriate licenses for broadcasting program in the area of the specific municipality or the distribution in the area of the specific municipality in relation to the print media, while in case of legal entities registered for the production of media content, only upon presentation of a valid contract with the founder of the media with the valid license to broadcast programs in the area of the specific municipality or the distribution in the area of the specific municipality, which would guarantee broadcast or publication of the contents concerned.

It is necessary to ensure that the criteria for selection of projects in public competitions are based on the importance of the project for the information of local importance and contribution of the project to the media pluralism at the local level. The media founded by local governments must not be given the advantage.

General criteria for evaluating projects must be uniquely regulated at the state level, with consultation with journalists and media associations, while the competent ministry shall have effective mechanisms of supervision over their respect.

Framework for the definition of specific criteria for evaluating projects at the level of individual local governments must also be regulated uniformly for the entire Republic by the competent ministries, in order to exclude the possibility of playing the purpose of the competition false by prescribing specific criteria.

It is necessary to ensure with appropriate documents, that the selection of projects is decided by independent commissions, composed of competent representatives of the public, professional associations and NGOs, whose members could not be deputies, MPs of the autonomous provinces and local government councilors, elected, nominated and appointed persons in the Government of the Republic of Serbia, the executive bodies of autonomous provinces and local governments, persons appointed to senior positions in public companies and public institutions, officials of political parties, including both the officials and members of bodies of political parties at the local level, as well as spouses, parents, children or close relatives of such persons.

It is necessary that the number of commissions' members, the conditions and procedure for their election, to be uniquely regulated at the level of the state, and that the competent ministry has effective mechanisms of supervising their respect.

It is essential that the competent ministry, besides local self-governments, also has effective mechanisms of evaluation or supervision of the disposal and use of funds after the distribution.

As the state imposes its influence on media and its competition on the media market also through the marketing budgets of ministries, local governments and public companies, it is necessary to establish order in the field of media advertising of the state and public companies, in order to ensure that these funds do not distort the competition. This could be achieved by insisting on transparent procedures for the lease of advertising space, as well as consistent application of regulations related to public procurement and state aid control.