



ANEM

A s o c i j a c i j a n e z a v i s n i h e l e k t r o n s k i h m e d i j a

A s s o c i a t i o n o f I n d e p e n d e n t E l e c t r o n i c M e d i a

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SUGGESTIONS ON REGULATION OF SYSTEM FOR MEDIA FUNDING

FROM STATE BUDGET FUNDS

Based on highest international standards set by Indicators for Media in a Democracy adopted by Parliamentary Assembly of Council of Europe (Resolution 1636 (2008)), ANEM insists on transparency of media ownership and economic interests in media sector.

Cited document explicitly states that, if the media get direct or indirect state subsidies, a state must treat fairly and neutrally. State must at the same time protect the broadcasters of public broadcasting service from political influence on their work, and other media, which are not the broadcasters of public broadcasting service, should not be owners of the state or state companies, and they should not be managed by state or state companies.

Serbian media scene is characterized by undeveloped advertising market and inflation of media. This creates the situation in which the self – sustainability of the large number of media is hardly achievable, and where advertising market is not a dominant resource of self – sustainability of the media scene, but state aid and subsidies.

The abovementioned becomes particularly dramatic in the light of the halted privatization of public media, which is being delayed by calling upon social reasons as well as the reasons of actual or supposed care for the exercise of the rights of citizens on

informing about matters of public interest, which would supposedly be endangered in the case of the withdrawal of the state from media ownership.

Having this in mind, and with the expectation for the upcoming adoption of the Strategy of development of media sector to definitely solve the problem of the non – privatized media and to find a solution for their transformation that will be in accordance with the cited Indicators for Media in Democratic Society, ANEM suggests a set of measures of a model of media scene financing by the state, based on the following:

1) Means for financing of the media from the budget of the Republic of Serbia, autonomous province, or local self – government unit must be defined and determined in budgets in the manner so as to include the total means that are determined for the financing of public enterprises in the information sector, or other economic entities with the ownership share of the state, by which a non – discriminatory treatment of all media would be provided.

2) That total funds for financing of the media from the budget of the Republic of Serbia, autonomous province, or local self – government unit are determined in the manner which will provide a stable financing of public interest in this field, and especially that the funds provided in the budgets of local self – government units for the purpose stated in Article 20. paragraph 1. point 34) of the Law on Local Self – Government, are determined so as that they include the total funds that a local self – government unit determines for the financing of local informative public enterprises if the local self – government unit is their founder, starting from the interest of the public for informing of local importance, are determined in the manner that will provide the stable financing, by being determined in the amount of at least 2% of the total budget of the each local self – government unit in particular, or at least on the level from the previous year, if it was higher than 2% of the total local budget, not taking into consideration the possible privatization of the local information public enterprises, if the local self – government unit is their founder, or at least on the level from the year before privatization of the local informative public enterprise, if the local self – government unit was the founder of such an enterprise.

3) That total funds for media financing from the budget of the Republic of Serbia, autonomous province, local self – government unit, are determined in the manner so as to include the total funds determined for financing of public enterprises in the field of information, or other economic entities with the ownership share of Republic of Serbia,

are to be distributed on the public calls for proposals for the financing of the projects which secure the informing, or media content of public interest, which are:

- designed for all segments of society, without discrimination, taking into consideration particularly the specific social groups like children and youth, minority and ethnical groups, people with disabilities, socially and medically vulnerable, etc.;
- the factor of social cohesion and integration of all individuals, groups and communities on local, regional, or national level;
- are the source of unbiased and independent information and comments, innovative and diverse content which is an accordance with high ethical standards and quality standards;
- making the forum for pluralistic public discussion about matters of public interest and means for improvement of the wider democratic participation of individuals in the matters of direct, common and general interest;
- contributing to the creativity in the field of media on local, regional and national level and promotion of local, regional and national cultural values.

4) That total funds for media financing from the budget of the Republic of Serbia, autonomous province, or local self – government unit, are determined on the manner so as to include the total funds determined for the financing of public enterprises in the field of informing, or other economic entities with the ownership share of the Republic of Serbia, are distributed under equal and non – discriminatory terms for all media in the area for which the public call for proposals are announced, and specifically without favoring of public enterprises in the field of informing, or other economic entities with the ownership share of the Republic of Serbia, and that public calls for proposals are announced in determined time intervals stated in advance, at least twice a year.

5) That the right of participation in public calls for proposals for the media financing from the budget of the Republic of Serbia, autonomous province, or local self – government unit, is determined in the manner so as that they include the total funds determined for financing of public enterprises in the field of information, or other economic entities with the ownership share of the Republic of Serbia, is limited exclusively for the founders of public media with licenses for broadcasting of the programs for the area of the concrete local self – government unit, or with the distribution for the area of the particular local self – government regarding print media, and in the case of legal entities registered for the production of media content, exclusively with the presentation of the valid contract with the founder of the public media with license for broadcasting of the program for the area of the particular local self – government, or with the distribution for the area of the particular local self – government, which will regulate the broadcasting or publication of the subject contents.

6) That the criteria for the choice of projects on public calls for proposals for media financing from the budget of Republic of Serbia, autonomous province, or local self – government unit, are determined in the manner so that they include the total funds which are determined for the financing of public enterprises in the field of informing, or other economic entities with ownership share of the Republic of Serbia, value exclusively the importance of the project for exercise of the right on public information in the matters of public interest, contribution to diversity of media content and pluralism of ideas and values on local, regional or national level, valid argumentation of project, adequate specification of the budget harmonized and explained from the point of view of planned project activities and sustainability of the project, and that the possible other criteria for the choice of projects are harmonized through consultations with journalist and media associations.

7) That, for the purpose of deciding upon the choice of projects on public calls for proposals for media financing from the budget of the Republic of Serbia, autonomous province, or local self – government unit, determined in the manner so as that they include the total funds which are determined for financing of the public enterprises in the field of informing, or other economic entities with the ownership share of the Republic of Serbia, form independent committees, comprised of competent representatives of the public, professional associations and non – governmental sector, whose members could not be members of the parliament, members of the parliaments of autonomous provinces and delegates of local self – government units, chosen, nominated or appointed persons in the Government of the Republic of Serbia, executive bodies of autonomous provinces, local self – government units, persons nominated for the leading positions in public enterprises and public institutions, officials from political parties, hereby meaning the officials and members of the bodies of political parties on the local level as well, persons which, as founders, members of managing bodies, employees, persons under contract etc. which have interest in the media, or other participants on the public call for proposals, as well as marital partners, parents, children or close relatives of the persons mentioned here.

8) That, on the decisions reached on the choice of projects on public calls for proposals for financing of the media from the budget of the Republic of Serbia, autonomous province, or local self – government unit, are determined in the manner so as that they include total funds which are determined for financing of public enterprises in the field of information, or other economic entities with the ownership share of the Republic of Serbia, as well as on the results of evaluation, or supervision under the manner of disposition and utilization of the funds upon the disposition, periodically, and at least twice a year report to the competent ministries.

9) That the advertising of the activities of the Republic of Serbia, autonomous province or local self – government unit, and the broadcasting of activities, products or services of public enterprises and institutions founded by the Republic of Serbia, autonomous province or local self – government unit, is done in the manner which will not harm the competition on the media market.

ANEM suggests that the abovementioned is provided by modifications of the Law on Public Information, and if necessary appropriate changes of the tax regulations, or alternatively the adoption of specific Law on Public Information from Budget Funds.

Moreover, ANEM insists upon consistent application of the current legislation regarding:

- protection of competition, especially related to restrictive agreements which limit and control media market, apply unequal terms concerning different participants on media market, by which the participants are put into unfavorable position in comparison with the competitors, or condition the conclusion of contracts or agreements by accepting the additional obligations that actually represent the unacceptable managing of information by state organs, public enterprises or other participants in the market;
- control of state aid;
- control of public procurement, specifically regarding equality of the bidders in the public procurement procedure of media services.

ANEM suggests that the abovementioned is secured by modifications to the Law on Public Information, by which a formation of a particular committee for public information is provided, as an expert body authorized to monitor, initiate the procedures and suggest measures for the improvement of the competition on media market, transparency of media financing and improvement of media pluralism and pluralism of opinion in public information.