

Based on Article 8 paragraph 1 point 5 and Article 12 paragraph 5 of the Law on Broadcasting, on 26 June 2007 the Republican Broadcasting Agency issued

GENERAL BINDING INSTRUCTIONS ON CONDUCT OF BROADCASTERS (CODE OF CONDUCT OF BROADCASTERS)

I INTRODUCTION

1. Legal Basis

Legal basis for issuing Broadcasters' Code of Conduct lies in paragraph 5 article 12 of the Law on Broadcasting stating:

The Agency shall pass a general binding instruction in order to regulate certain issues regarding programme content in greater detail, regardless of the current practice of the broadcasters. The general binding instruction may pertain to a specific issue regarding programme content, a number of related issues, or all issues in respect of programme content (broadcasters' code of conduct).

Furthermore, Article 19 of the Law on Broadcasting proscribes: "The Agency shall ensure the protection of minors and the respect of human dignity in programmes broadcast via radio and TV and shall pass a general binding instruction to that effect."

By this code, that comprises protection of minors and protection of dignity of a person (protection of privacy, etc.), the Agency releases its obligation proscribed by law.

Article 8 of the Law on Broadcasting obliges the Agency to, inter alia, proscribe conditions for program production and broadcast. The code also regulates this issue.

Broadcasters' Code of Conduct represents the system of the general binding instructions related to all questions raised by now regarding the content of the program.

Non-compliance with a general binding instruction shall be the basis for pronouncing any sanction the Agency is empowered to pronounce.

2. Aims

Passing of the Broadcasters' Code of Conduct has the following aim:

- Enabling conditions for professional work of broadcasters, as stated in the Article 3 of the Law on Broadcasting that specifies principles of regulating relations in the broadcasting domain.
- Clear and accurate defining of the issues related to the content of the program that represent the subject of the Agency's monitoring of the work of the broadcasters with reference to the standard of the programmes as defined by the Law on Broadcasting
- More precise definition of the minimal program conditions for production and broadcasting as defined by Law on Broadcasting

- Protection of children and youth from potentially harmful influences of the content of the radio and television program, as stated in the Law on Broadcasting
- Protection of human dignity in the content of the broadcaster's program, as stated in the Law on Broadcasting
- Protection of the copyright and related rights in the content of the program of the broadcasters, as requested in the Law on Broadcasting.

II GENERAL BINDING INSTRUCTIONS

(hereinafter: instructions)

1. Instructions related to the general obligations of the broadcasters:

Broadcasters are obliged to respect the following basic principles:

- 1. Respecting the conditions from the license.** Broadcasters are obliged to respect the conditions under which they were issued a licence, particularly in view of the general programme standards proscribed by the Law. With regard to the programme duties the broadcaster is not obliged to strictly follow the programme scheme submitted at the competition, but is obliged to follow approximately the general programme concept from the competition documentation. Change of the program profile in terms of classification of broadcasters from Article 45 of the Law is allowed only with the explicit consent of the Agency. Broadcasters' representatives are obliged to enable the Agency to have access to data and other documentation related to the subject of the monitoring. In the monitoring process, the Agency is obliged to protect the business secret of the broadcasters.
- 2. Obligation of identification.** During broadcasting of the program, television stations are obliged to show the name, sign or logo of the broadcaster, except during the advertisements. Radio stations are obliged to broadcast their name, sign or logo at least every 15 minutes of the programme. Unregistered or fake names/ identification signs are forbidden.
- 3. Share of obligatory production.** At least 50% of the total broadcast time per year must be in Serbian, whereby at least 50% of this programme in Serbian must be produced in house. The broadcasters that produce and broadcast program for national minorities are obliged to broadcast at least 50% of in-house production out of total time of broadcast programme in the language of national minority. Total broadcast time per year does not comprise reruns, sports events, games, commercials, TV-shop, broadcast of text messages, e-mails and similar notes, commercial programmes based on paying telephone or internet and similar telecommunication services, erotic programmes of in-house production, as well as news, except in the case of in-house production of news. The in-house production means programmes or shows in which the original audio or video material and/or author's part accounts for more than 50% in TV, and 20% in radio programme/show. For institutions of public broadcasting service Article 74 of the Broadcasting Law is applied.
- 4. Prohibition on party membership.** Broadcasters shall neither be members of political parties, organizations or coalitions, nor members of legal entities founded by political parties, organizations or coalitions, either in terms of

property or program content. Extreme favouring or extreme discrimination against legal political parties, organizations or their officials in the programme shall be strongly prohibited. Political propaganda shall not be disguised under any type of programme, in particular news or political show programme. Prohibition of party membership shall not mean prohibition of argumentative criticism of work of political parties and organizations. Broadcasters are generally obliged to respect pluralism of political opinions, but also right to independence and individualism of editorial policy and freedom of argumentative evaluation.

2. Instructions related to general programme standards in news and political programme

Broadcasters are not obliged to produce news programme, but, in case this kind of programme was stated in the concept submitted in the documentation based on which their license was issued, they are obliged to be professional in their work as defined in the Law on Broadcasting that defines general principles of relations in the broadcasting domain. Beside that, article 68 paragraph 1 point 2 requires all broadcasters to 'ensure free and complete informing of citizens in a timely manner'. Broadcasters are, therefore, obliged to follow these instructions:

- 1) Respecting obligations defined in the documentation submitted at the competition.** News programme and political shows can only be broadcast by the broadcasters whose broadcasting licence is issued based on the documentation (elaboration on the programme) that anticipates production and broadcast of this kind of programme. These broadcasters are obliged to broadcast this kind of programme in the extent and in a manner described in the programme elaboration, but this does not imply either strictly following the draft schedule given in the elaborate, or ban on free editorial policy. Broadcasters that were issued the licence based on elaboration including political shows may terminate broadcasting of political shows only with the explicit permission from the Agency.
- 2) Objectivity.** Broadcasters are obliged to ensure that each stand is presented in an objective way (without malicious editing, inserted comments, etc.). When broadcasters, individuals and organizations mentioned in the programme are connected by way of their interests, this must be mentioned in the programme.
- 3) Impartiality.** Broadcasters are entitled to their own independent editorial policy, while respecting minimal impartiality in reporting. Minimal impartiality implies obligation of the broadcaster to divide facts from attitude, comment or opinion. Broadcaster has to ensure that personal opinion of an editor/ journalist does not have discriminatory effect on the choice of topics or in the way of its presentation. It is forbidden to manipulate with statements, reports, etc. in order to change their basic sense (malicious editing, malicious shortening or removing key parts of the content, etc). This instruction is not related only to ordinary editing of picture and tone, but to those manipulations with picture, sound and content that distort the basic sense of the report.
- 4) Timeliness.** Broadcaster shall not hide information of public importance intentionally, except when information is officially classified, or if safety of the country is at stake.

- 5) **Veracity.** Broadcaster shall not broadcast news or reports which they know are false. News and reports that cannot be confirmed or veracity of which is not confirmed with certainty may be broadcast only if it is explicitly emphasized that they are unconfirmed or unofficial. Broadcaster's report must be based on facts. Broadcaster is obliged to protect the source, but also to reveal it when the Law indicates that. Broadcaster is obliged to clearly mark the archive material during the rerun. Archive material does not include previously recorded or collected materials, but solely recorded completed footages or parts of completed footages that form complete information on the previous complete footage. Those completed footages cannot be used mechanically as mere audiovisual materials for creating new footages; also, archive materials are not footages used for illustration of the programme material in which public figures are shown or mentioned (short recordings of everyday activities, photographs without a particular context, etc.)
- 6) **Freedom to publish comments.** Objectivity, impartiality and accuracy in reporting do not entail ban on publishing comments on occurrences, events or individuals' actions. Broadcasters are free to comment occurrences, events or actions of individuals, state bodies, political parties and other institutions. If broadcaster decides to publish comments, the comments shall not have an insulting tone. It is an obligation of broadcasters to clearly distinguish news and information from comments related to this topic.
- 7) **Ban on discrimination.** Broadcasters shall not enforce discrimination against individuals or social groups based on sexual, racial, ethnical, religious, social or national background.
- 8) **Rule of the other side.** While reporting on disputes that include conflicts of any kind, broadcaster is obliged to enable all sides to equally participate in the dispute. It is prohibited to broadcast one-sided attacks on persons, or conduct long-term and repeated campaigns related to certain persons, social groups and institutions without relevant new data that would justify prolonged or repeated reporting on the same occurrence, event, institution or personality.
- 9) **Obligation of special announcements of urgent matter.** Broadcasters are obliged to convey, without delay, all announcements related to jeopardizing of human lives, health, safety or property.
- 10) **Obligation of special announcement of programmes containing scenes of violence and catastrophes.** Each material containing scenes, tone recordings or direct description of violence and catastrophe has to be announced in advance.
- 11) **Obligation of publication of correction and reply (for cases for which the Law on public broadcasting does not envisage exceptions).** Failure to act in compliance with practices, rules and regulations related to adequate conveying of correction and reply would be regarded as violating this Code. If false news/ report or any other content based on no facts was broadcast, broadcaster is obliged to publish a correction, enable the affected to reply or apologize to an individual or organization that were affected by the error, in the shortest period and in the same or other adequate broadcast time, while the duration of the reply must not be shorter than duration of the time spent on the 'attack', except if the affected party accepts it. No editorial interventions are allowed in the text of the reply. The beginning and the end of correction or reply have to be clearly emphasized and without any comments. Broadcaster cannot publish its own reaction to reply or correction on the same day when

reply or correction is published. The damaged part has a right to reply. Due to nature of electronic media, deadline has to be the shortest possible, usually 24 hours, except in the case when there is a justified reason that makes difficult or disables broadcasting of the correction or reply in the given deadline. Deadline can be prolonged at the damaged party's request.

3. Instructions related to protection of children and youth

Broadcasters are obliged to undertake all measures of precaution in order to protect underage persons from contents of the program that can jeopardize their integrity as well as their health, moral, intellectual and social development.

- 1. Obligation to broadcast certain contents only at the time when children and youth should not be following the programmes of radio and television.** Broadcasting sex scenes, films with brutal violence, drug-addiction and similar contents is allowed only in period from 00 – 06 a.m. Broadcasting of such scenes as well as scenes with vulgar language are strictly forbidden in programmes for children and youth, unless for educational purposes, in a very carefully chosen context.
- 2. Obligation to have a special announcement or mark the programme with a potential negative influence on children and youth.** Programmes that can jeopardize minors or are inadequate for them must be clearly marked, and their supervisors must be warned. Each programme with content inadequate for persons under 18 years and broadcast before midnight must be clearly marked with visible number that warns viewers and parents that the content to follow is not adequate for minors. The number should indicate minimal age of children that are allowed to follow the programme (example: 12, 14, 16 circled in red and in a visible place). The number (warning) should be shown before and at the beginning of the programme and every 15 minutes during the program. At the radio, the host is repeating this information. Broadcasters are free to classify programs according to their own judgement, but the Agency has a right to warn or punish a broadcaster that do not mark content inadequate for children at all or do not mark it in a manner proscribed by this instruction or continuously determining age limit in a wrong manner. If in doubt, broadcasters have a right to seek from the Agency opinion on the classification of the age limit. The Agency is obliged to submit its opinion to the broadcaster in a timely manner. Broadcasters shall be obliged to pay attention to the usual schedule of children and, in particular, to avoid broadcasting of delicate material at time when minors are expected to watch or listen to TV or radio programmes.
- 3. Obligation to have children and youth in the programme only with consent of their parents/supervisors.** Minors are allowed to be in direct program only if s/he agrees and with his/her parents' or supervisors' consent. Even then, broadcaster is obliged to pay special attention to the protection of dignity and physical and mental health of a person. Broadcasters are obliged to pay special attention when publishing interviews, photographs or footages of minors and this may

be done only with consent of parents/supervisors. This obligation does not refer to materials recorded for the purpose of illustration that do not have a detrimental effect on dignity of children and youth (footages showing beginning of the school year, footages of children playing on public places, weather forecast, etc.).

4. **Special protection when a minor is a victim or a perpetrator of violence or other criminal act.** A minor has to be protected from explicit exposure in public regardless of the fact whether s/he is a victim or a perpetrator of violence or any criminal act. Broadcasters are obliged to protect identity of minors in those cases.
5. **Obligation of dubbing program for pre-school children.** Broadcasters are obliged to dub the foreign language programs in Serbian or languages of local national or ethnic minorities.

4. Instructions related to showing vice, criminal and disturbing occurrences

Broadcasters are not allowed to show materials that can have harmful influence (on health, upbringing, hygiene or education) and those that incite violence.

- 1) **Programs that may incite violence.** Materials that justify or incite violence, dangerous or anti-social behavior or encourage others to behave in that manner are not allowed to be shown. This obligation does not apply to artistic, documentary or similar programmes with these contents, but they must be specially marked and announced.
- 2) **Drug-addiction, smoking, alcohol, gambling.** Drug-addiction, smoking, alcohol, gambling must not be shown in the positive context so as not to encourage such behavior. This obligation does not apply to artistic, documentary, scientific or any other similar programme with this content, but they must be specially marked and announced.
- 3) **Adjusting scenes of violence, murders, massacres and catastrophes.** Broadcasters have the obligation to avoid showing brutal, violent and disturbing scenes unless it is in the public interest, but then it has to be clearly explained. Victims of violence and catastrophes are entitled to special protection and human suffering shall not be manipulated in such a manner so as to expose victims and their families to suffering again. This obligation does not apply to artistic, documentary, scientific, and programs with similar contents, but they must be specially marked and announced.
- 4) **Suicide.** It is forbidden to show scenes of suicide or other self-inflicted wounding. Broadcasters must be very cautious in treating these topics and restrained in using names and describing circumstances. This obligation does not apply to artistic, documentary, scientific, and programs with similar contents, but they must be specially marked and announced.

5. Instruction related to following the investigation, content of the reports from the criminal investigation and protection of identity of officials working on the case

1. **Following the investigation.** Broadcasters must not distract investigation in the period of its duration. Perpetrators cannot be interviewed during the

investigation. It is forbidden to broadcast paid information on the process and the committed act. During the process, broadcasters must respect presumption of innocence. It is not allowed to show footages or materials officially marked as classified, as well as footages that individuals or state bodies obtained in an illegal way.

2. **Publishing content of the report from the criminal investigation.** When informing the public on criminal investigation process, broadcasters, are obliged to respect court decisions on reports and statements of suspects, witnesses or experts, proofs, audio or visual recordings and other materials when a court decision cannot be based on them.
3. **Ban on pressure on the court.** It is forbidden to broadcast shows with deliberate speculation on the outcome of the court's decision. Reporting from the court must be based on facts and testimonies given and not solely on opinions and estimates of persons not included in the trial. Broadcasters are obliged to clearly state the status of the person in any way included in the investigation or trial (witness, suspect, accused, etc). Broadcaster cannot treat the accused (suspect) as guilty until the verdict is reached.
4. **Protection of identity.** It is forbidden to reveal identity of official and other persons conducting the investigation or having any connection to it without approval, unless those names have already been officially revealed.

6. Instructions related to treatment of religion or religious programs

These instructions are to ensure respect of religious freedoms guaranteed by the Constitution.

1. **Protection of churches and religious communities.** It is forbidden to treat religious beliefs and doctrines of recognized churches in a discriminatory and insulting manner. Broadcasters must respect freedom of different religious beliefs and prevent humiliating, insulting and making fun of symbols and doctrines of traditional churches and religious communities in their program. Institutions of public broadcaster service are obliged to determine share of religious content for traditional recognized churches and religious communities; duration of this type of program should generally be in accordance with percentage of representatives of a certain church or religious communities in total number of inhabitants in the territory in which the program of one of the public services is broadcast, respecting the principle of positive discrimination.
2. **Ban on proselytism.** It is forbidden to proselytize in religious programs, meaning to directly call on viewers to join a certain church or religious community. Broadcaster is obliged to clearly announce and mark the church or religious community referred. If the broadcaster is specialized in programs of religious contexts, they are obliged to do that at every identification or program announcement.
3. **Ban on masking political contents with religious programs.** Religious programs must exclusively cover religious themes. Covering political topics in programs defined as religious is forbidden.

4. **Sects, fundamentalism, terrorism.** Broadcasters must make a clear distinction between officially recognized churches and religious communities and sects. Only churches and religious communities registered within the Ministry of Religions may have their programs broadcast by public broadcasting service institutions. Sects can only be dealt with as a part of the analysis of social processes. It is forbidden to broadcast religious programs that call on jeopardizing members of other religions and freedoms recognized in the Constitution (ban on religious fundamentalism). It is forbidden to incite violence or promote terrorism through religious programs.

7. Instructions on broadcasting programs related to the occult, paranormal events and magic

These instructions are to ensure respect of obligation of a broadcaster not to broadcast contents that misuse credulity of viewers or listeners.

1. **The occult.** It is forbidden to broadcast programs based on the occult, paranormal events and magic, in which human weaknesses, credulity, ignorance are manipulated. It is forbidden to broadcast programs where such occurrences are used for manipulating viewers or for gaining money.
2. **Fortune telling, horoscope reading and similar contents.** It is forbidden to broadcast programs based on fortune telling, horoscope reading and similar contents that cannot be categorized as activities recognized by the law. Since there are grounded beliefs that this type of program is based on misuse of credulity of viewers and on a certain type of financial misuse occurring as a consequence of ignorance of viewers, broadcasting of this type of program is banned.
3. **Horoscopes and similar entertainment contents.** Entertainment programs with fortune telling, horoscope reading and similar contents can be broadcast if it is not the only content of the show and without phone calls or text messages that are to be paid by viewers or other type of commercialization of this content.

8. Instructions related to broadcasting of pornography, sex and nudity

The following instructions aim at reducing uncontrolled presence of sex scenes and nudity in programs of broadcasters, as well as to guide them to programs and hours adequate for that.

1. **Broadcasting and describing sex scenes, erotica and pornography.** Sex scenes can be shown only from 00 to 06 hours. This also applies to explicit conversations about sex on radio. At other times, sex can only be described and broadcast for artistic or educational purposes (films, radio dramas, etc), but even then caution is required.

Broadcast of pornography is regulated in the following way:

- a) **pornography**, defined as explicit exposure of sexual intercourse without any artistic or scientific implications represent legal commercial activity. Broadcasting these contents is forbidden in the “un-coded” (“open”) broadcasting at any time. Broadcast of these programs is allowed only as a separate coded service of cable, satellite and similar operators (“pay TV”).
 - b) **Erotic program**, demonstrating human bodies in sexual intercourse or showing only nude bodies without explicit scenes of sexual act (penetration, oral sex, masturbation, etc.), but in context of realization of sexual activity (touch, kiss, striptease, etc.). This type of program may be broadcast between 00 and 06 hours, under explicit responsibility of television editorial board. Institutions of public broadcasting services are not allowed to broadcast this type of program.
2. **Showing nude persons.** Nude persons shall not be showed between 21 h, unless for educational purposes or if there is a strong editorial or artistic justification. These contents must be marked by adequate sign.

9. Instructions related to protection of privacy

Broadcasters are obliged to follow the principle of protection of human dignity in all programs. Privacy of individuals who are subjects of the reports must be protected to the highest possible degree – while broadcasting as well as while collecting the material.

1. **Ban on showing individuals without their protection or legal Prohibition of presenting individuals without their permission or legal or programming justification.** Any invasion of privacy or presentation of individuals without their consent which is not considered as interest of public for details of private lives of public figures shall be prohibited. This rule may not be applied only in the case of a clearly demonstrated public interest. This prohibition shall not apply to pictures used as illustrations (passers by, drivers in traffic, passengers at airports or railway stations etc)
2. **Ban on identity of persons.** Broadcasters are obliged to protect the identity of victims of catastrophes, violence, persons in traffic and other accidents and victims or perpetrators of criminal acts. During catastrophes, and when victims of violence/accidents are shown, broadcaster is obliged to inform victims’ families before the footage or information is broadcast. Exception from the obligations mentioned are cases in which state bodies ask for a different treatment (due to identification of victims, identification of perpetrators, etc.).
3. **Protection of a dwelling place.** Broadcasters are obliged to protect a dwelling place of an individual and cannot reveal them without a particular, justified cause or without consent of relevant persons.
4. **Protection of persons with special needs.** Broadcasters are obliged to pay particular attention to persons with special needs and to carefully control their appearances in their programs. It is forbidden to make fun of these persons. If a person is incapable of taking care of him/herself, it is forbidden to broadcast information obtained from them without consent of

their legal supervisor or person that is legally authorized to take care of them.

5. **Ban on showing materials obtained by illegal means.** Broadcaster shall not show contents obtained illegally or broadcast audio or visual recordings without consent of an individual who is the subject of the report. Exceptions are allowed only when public interest is in question and when afterwards other kinds of confirmation of the information can be obtained. Already recorded material cannot be used in manipulative purposes, in the context which may change the sense of the previous statement.

10. Instruction related to use of language in programs of radio and television

Broadcasters must pay attention to the language used publicly, its ethical and political correctness, as well as grammatical correctness and purity.

- 1) **Protection of Serbian language.** Broadcaster is obliged to produce and broadcast program in standard Serbian language. Programs produced in foreign languages have to be translated in Serbian. Institutions of public broadcasting service are obliged to use Cyrillic letters, except when the original document is in Latin letters or some other. Purchased foreign programs must be subtitled in Cyrillic or synchronized in Serbian. These obligations do not refer to broadcasters that produce or broadcast programs for national minorities and programs of institutions of public services for national minorities.
- 2) **Extremism and insulting language.** Broadcasters are obliged to suppress extremism and insults in their programs, both in behavior of hosts and guests.
- 3) **Rule on language.** Broadcaster is obliged to pay attention to correct grammar and purity of language, except in drama program, where there is justification in dramaturgy. Bad words, curses and other vulgar words and slang are forbidden in informative, educative and similar programs and can only be used in adequate educative or artistic content.
- 4) **Editors.** Public services are obliged to provide control of the content to be broadcast through control of a professional editor that would provide quality of culture of language in journalists or hosts.

11. Instructions related to audio and visual aspect of content of the program

All radio and TV stations, in particular public service, are obliged to make sure that audio and visual aspects of the content (tone, picture) are not irritating and to pay attention to adequate appearance and styling of persons shown in programs.

1. **Audio and visual content of the program.** Broadcasters are obliged to pay attention to audio and visual content so they do not directly induce (without the adequate artistic or other context) repulsion or similar extremely negative emotions in viewers.

2. **Dress code.** TV stations are obliged to avoid indecent way of dressing, such as hosts or guests dressed in such a manner that they show too much bare skin or with erotic connotation. In entertaining shows, dress code can be less formal, but still decent.
3. **Adequate clothing.** TV stations are obliged to have their hosts, reporters and journalists dressed in accordance with the program requirements, in particular for the educational and scientific programs that require traditional rules of appearance.

12. Instruction related to following elections and referendums

The purpose of the instructions is to provide equal and unbiased flow of the election and referendum process.

1. **Specialized programs.** Broadcasters of specialized programs who have not stated broadcasting of news and political programs in their application submitted at public tender shall not deal either directly or indirectly with elections, election candidates and referendums. This prohibition, except in specialized children programs shall not apply to advertisements and paid broadcasting of pre-election clips of political parties. In specialized children programs any type of political propaganda and advertising is prohibited.
2. **Objective and unbiased presentation of attitudes of all parties.** Broadcasters are obliged to ensure general equality in informing about all the submitted lists of candidates and candidates from these lists. The principle of equality entails possibility to access the programs of all election candidates with general freedom of editorial board to dedicate more time to those candidates and parties objectively perceived as those more likely to win, but without any discrimination of any party or candidate in the news program and political shows. It is prohibited to lead pre-election campaign to anyone's favor or discriminate parties or candidates under the form of news or any other program. During the pre-referendum period there must be time for unbiased presentation of attitudes of different parties.
3. **Prohibition of discrimination of candidates of pre-election campaigns.** All TV and radio stations may broadcast pre-election clips under equal commercial and technical conditions and with no discrimination. A broadcaster may refuse to broadcast promotional messages or broadcasts if assesses that they induce discrimination, hatred, violence or insult honor, reputation and privacy of citizens or other participants in the campaign.
4. **Prohibition of hidden propaganda.** During the pre-election campaign the broadcasters shall be obliged to exclude from their program any documentary, feature and similar broadcasts and films in which candidates from the lists of candidates appear, and avoid other forms of indirect political propaganda in the regular broadcasts. It is prohibited to broadcast programs in which high officials use their function for promotion of their party or pre-election.
5. **Obligation to report on poll results in a precise manner.** The reports of agencies that conduct public opinion polls may be broadcast under the condition of stating the party that commissioned the poll, the sample covered by the poll, the poll manner and duration. The mentioned reports of public opinion polling agencies may not be broadcast in the prime time of news broadcasts (headlines, top stories, news of the day, latest news and similar).

6. **Obligation to respect the election silence.** Election propaganda via radio and TV stations shall be prohibited for the period of 48 hours before the election day and on the Election Day until the closing of polling places.
7. **Obligatory designation of paid broadcast time.** All pre-election broadcasts, reports, promotion blocks, polls and similar must be specially designated with a clear sign "election program". Paid broadcast time must be continuously designated in the TV programme with a sign "paid broadcast time", whereas in the radio programme they must be clearly indicated at the beginning and at the end of the broadcast, as well as after each 5 minutes of broadcast duration.

13. Instruction related to copyright, advertisements, sponsorships and paid terms

The obligations of the broadcaster in this section are to provide transparency, maintaining of editorial independence and editorial control over sponsored program, as well as clear separation this type of TV shows from the regular program.

- 1) **Copyright and related rights.** Emitters are obliged to obey all the regulations related to copyright and related rights and protect intellectual property.
- 2) **Marking of sponsored TV shows.** TV show, which is entirely or partly sponsored, has to contain notification about sponsor at the beginning and at the end of TV show. If the TV show lasts for more than 45 minutes, this notification is being shown at every 15 minutes of broadcasted program
- 3) **Prohibition of direct enticement of selling in sponsored TV shows.** Sponsored TV program can not directly advertise the selling, buying or renting the product or services of sponsor or third party, particularly by guiding especially to those products and services in that program
- 4) **Prohibition of sponsor`s influence upon editorial policy.** Sponsor is not allowed to influence the content and time of program broadcasting which he sponsored, as well as question of editorial concept of emitter.
- 5) **Sponsorship of news.** It is forbidden to sponsor news, except the sport news, precise time and weather forecast.
- 6) **Prohibition of political propaganda apart from pre-election campaign.** Apart from pre-election campaign it is forbidden to advertise directly or indirectly political organizations and their conventions, actions or promotions of any kind in which their full or shorten name is shown.
- 7) **Prohibition of sponsorship for certain categories of offeres.** The sponsors can not be physical or legal party involved in games of chance, betting and manufacturer of goods whose advertising on TV and radio is forbidden by Law (tobacco manufacturers, alcohol drinks, guns, etc.)
- 8) **Obligation of marking advertisement.** Commercials have to be clearly marked and separated from the rest of the broadcasted program. During the broadcasting of commercials, the identification sign of television or radio is not broadcasted.
- 9) **Prohibition of hidden and indirect advertising of products.** It is forbidden to advertise indirectly and secretly products and services through news, educational and other program which is not clearly marked as economic propaganda.
- 10) **Regulation of telephone inclusions and limitation of SMS and similar messages broadcasting.** In the TV shows with direct inclusions in the program, emitter is obliged to mark precise price and total realistic expense of the call. It is not

allowed to broadcast program which consist, completely or dominantly, of TV voting, SMS, e-mail and similar messages (TV chat or similar contents) out of time period between 01.00 a.m. and 05.00a.m. Institutions of public broadcast service are not allowed to transmit program which is completely or dominantly based on telephone voting, SMS, e-mail and similar messages. The broadcasting of SMS, e-mail and similar messages with the content, which is in concordance with law and ethical standards of behaviour in public space, is allowed if the messages are broadcasted by crawl as additional content of the program, i.e. as a reaction of viewers to broadcasted content. The program which consist, completely or dominantly, of these messages (period between 01.00 a.m. and 05.00 a.m.) do not belong to the program clearly categorized by Broadcasting Law. These commercial program contents do not count for obligatory sum of self-produced program, proscribed by Law. If telephone call or inclusion, SMS, e-mail or similar message is being charged separately, realistic expense of inclusion, voting or message has to be clearly marked. Emitters are responsible for content of all broadcasted SMS, e-mail or similar messages, no matter which type of program is involved.

14. Implementation of Instructions (Code)

The universal binding instructions on conduct of broadcasters (Code of Conduct of Broadcasters) is a by-law endorsed with a view to defining, elaborating and implementing the Broadcasting Law. It applies to all radio and TV stations in the mandate of the Republican Broadcasting Agency. Evasion of responsibilities stipulated by these Instructions (Code) shall result in pronouncement of the Law prescribed measures as provided for in paragraph. 6, Article 12 of the Law on Broadcasting:

Failure to act in accordance with the binding instructions shall constitute basis for issuance of a reprimand and warning to the broadcaster. Failure to act in accordance with the universal binding instructions shall constitute the basis for pronouncement of all kinds of measures that the Agency is authorized to take.

Further to issuance of a reprimand or public warning „all kinds of measures“ as stipulated in the Law shall be understood to mean the measures of provisional or durable revocation of the permit to broadcast programs, as provided for in the Articles 18 and 63 of the Broadcasting Law.

These Instructions (Code) shall be subject to all the articles of the Broadcasting Law stipulating regulations and measures passed by the Agency in observance of the Law. These are, above all, articles: 12, 17, 18, 19, 20, 21, 61 and 63. The Code shall be implemented on the basis of powers contained in the Broadcasting Law.

These Instructions shall come into effect on the eighth day of its publication in the „Official Gazette“ of the Republic of Serbia.

R A T I O N A L E

Reasons for passing the Code

The Code represents *a system of general binding instructions* defining the conduct of **broadcasters**; it is not a professional ethic code of conducts of journalists, editors and their associations nor is it a code of profession but shall be applied directly only on conduct of broadcasters. All the measures taken by the Agency shall relate to broadcasters solely. Following the completion of the process of issuance of broadcasting permits, regulation of the public broadcasting space will become a durable task of the Agency. This task is particularly urgent in the first period of regulation in view of different practices in this respect and the fact that the legal regulations are overly general and vague, and not even transparent sometimes. Numerous issues defined by the Agency are only generally stipulated in the Broadcasting Law: protection of minors, protection of the rights of minorities or protection of authorship and the related rights. The Law cannot foresee all the situations that the broadcasters and the Agency may potentially face. Excessive rigidity in prescribing the permitted practices may lead to censorship. On the other hand, changes of the Law each time new practices occur is in itself sluggish, delayed and inefficient. Therefore, the binding instructions and the Code of Conduct of Broadcasters represent the only way to sustain an acceptable level of regulation that would not slip into censorship while keeping pace with the fast developing electronic media impossible to project by any legislation.

The universal binding instruction of broadcasters is to broadcast their programs in line with the principles contained herein. The Council of the Republican Broadcasting Agency (RBA) is aware that this matter is complex, wide, fast developing and consequently, subject to permanent change. The Code should offer a series of strict and clear principles, but the practical implementation thereof will largely be subject to context and adequate adjustments. After the analysis of the experiences acquired in practical application of the Code, changes and amendments thereto will be possible as well as issuance of general and binding instructions covering certain specific areas not included in the present Code. The possible changes and adjustments of the Code should simplify, to broadcasters and the Agency alike, regulation of conduct in situations of overly generalized, vague or static legal solutions. The RBA Council believes the responsibility of broadcasters, controlling bodies, civil society institutions and all citizens to be to work, in good faith, in improving, observing and implementing the Code.

According to the Law, the RBA Council is neither entitled nor required to safeguard the maximum quality of broadcast programs, the ratings of radio and TV programs of broadcasters it issued the permits to. These tasks are executed by editorial boards and journalists of particular radio or TV stations. The RBA Council is to implement the Broadcasting Law and prevent violations thereof. One of its obligations is also to monitor the operation of broadcasters in the sense of supervision of observance of minimum program standards provided for by the Law.

The existence of instructions defining conduct of electronic media is a standard practice in European countries where independent regulatory bodies have been entrusted with monitoring of broadcasting (for instance, in Great Britain *Ofcom Broadcasting Code*, у Француској *Recommandation aux éditeurs de services de télévision concernant la signalétique jeunesse et la classification des programmes* and similar documents in the majority of European and neighbouring countries).