

INDIREG

FINAL REPORT – ANNEX

Indicators for independence and efficient functioning of audiovisual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive” (SMART 2009/0001)

Annex II – Country Tables – Serbia

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I. GENERAL INFORMATION

Table 1 - Market data

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Serbia	6 (national), 3 (Belgrade – Capital), 29 (regional), 102 (local)	Not regulated	National – 2 (Radio Television Serbia), Provincial – 2 (Radio Television Vojvodina)

Table 2 - Audiovisual laws and regulatory bodies

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Serbia	Information requirements (art. 5 AVMS Directive)	Public Information Act (Official Gazette 43/2003, 61/2005, 71/2009) www.kultura.gov.rs/?jez=sc&p=33 (In Serbian only) (Art. 26-28) (excluding the requirements regarding electronic mail address or website) (*Also, in part, Broadcasting Law (in Art. 69 but referring to Public Information Act))	Ministry of Culture (*also, Republic Broadcasting Agency)	N/A	Ministry of Culture (* also, Republic Broadcasting Agency)
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	Advertising Law (Official Gazette 79/2005, in Serbian only) (Art. 3-8, 88-96) www.mtu.gov.rs/cms/?page_id=78			Republic Broadcasting Agency
	Accessibility to people with a disability (Art. 7 AVMS Directive)	N/A	N/A	N/A	N/A

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Broadcasting of major events (Art. 14 AVMS Directive)	Broadcasting Law (Official Gazette 42/2002, 97/2004, 76/2005, 79/2005 et alia, 62/2006, 85/2006 – correction and 41/2009) (*English version obsolete - 2005) (Art. 71) www.rra.org.rs/files/1219931533broadcasting-law.pdf	Republic Broadcasting Agency	N/A	Republic Broadcasting Agency
	Access to short news reports (Article 15 AVMS Directive)	Broadcasting Law (Art. 71)	Republic Broadcasting Agency	N/A	Republic Broadcasting Agency
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	N/A	N/A	N/A	N/A
	Hate speech (Art. 12 and 6 AVMS Directive)	Broadcasting Law (Art 21) No regulation on On-demand services	No information available	N/A	Republic Broadcasting Agency
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	Advertising Law (Art. 14-22)	No information available	N/A	Republic Broadcasting Agency
	Protection of minors (Art. 27 AVMS Directive)	Broadcasting Law (Art. 19)	No information available	N/A	No information available
	Right of reply (Art. 28 AVMS Directive)	Public Information Act (Art. 47-70)	Ministry of Culture	N/A	Ministry of Culture
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	No requirement	N/A	N/A	N/A

Table 3 - Regulatory bodies – general information

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Serbia	Republic Broadcasting Agency	www.rra.org.rs/	April 11. 2003	Belgrade, Serbia (Vasina 2-4)
	Ministry of Culture	www.kultura.gov.rs/	N/A	Belgrade, Serbia

Table 4 - Sectors covered

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Serbia	Republic Broadcasting Agency	Yes (N/A for on-demand)	No	Yes	No	No	No

Table 5 - Staff and overall budget

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Serbia	Republic Broadcasting Agency	No information available	72 – (plus 9 members of the Agency Council)	The budget is set according to the Financial plan adopted by the Agency Council and approved by the Government	2008 – app. €5.15m 2007 – app. €5.79m	Republic Broadcasting Agency Information booklet (in Serbian only, last update March 2009) www.rra.org.rs/files/1240572628INFORMATOR%20O%20RADU%20RRA.pdf

II. INSTITUTIONAL FRAMEWORK

Table 6 - Legislation establishing and governing the regulatory body

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Serbia	Republic Broadcasting Agency	Broadcasting Law Official Gazette 42/2002, 97/2004, 76/2005, 79/2005 et alia, 62/2006, 85/2006 – correction and 41/2009) (*English version obsolete - 2005)	Broadcasting Law (Official Gazette 42/2002, 97/2004, 76/2005, 79/2005 et alia, 62/2006, 85/2006 – correction and 41/2009) (*English version obsolete - 2005) www.rra.org.rs/files/1219931533broadcasting-law.pdf The Statute of the Republic Broadcasting Agency (In Serbian Only, adopted 25 June 2005) www.rra.org.rs/files/Statut_RRA.pdf

Table 7 - Legal status

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Serbia	Republic Broadcasting Agency	Independent Legal entity (Art. 6 Broadcasting Law: "The Agency is an autonomous legal person and is functionally independent of any state Body")	√	n/a	no	Broadcasting Law

Table 8 - Independence as a value

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Serbia	Republic Broadcasting Agency		✓ Art 6, Broadcasting Law reads: (*translation from www.rra.org.rs/files/1219931533broadcasting-law.pdf) <i>“The Republican Broadcasting Agency (hereinafter Agency) is established as an autonomous i.e. independent organisation exercising public competencies pursuant to this Law and regulations passed on the basis of this Law to secure conditions for the efficient implementation and improvement of the set broadcasting policy in the Republic of Serbia in a manner befitting a democratic society.</i> <i>The Agency is an autonomous legal person and is functionally independent of any state body, as well as of all organisations and persons involved in the production and broadcasting of radio and television programmes and/or related activities.”</i>	Broadcasting Law (Art 6)

III. POWERS OF THE REGULATORY BODIES

Table 9 - Regulatory powers

This table is aimed at understanding the types of decisions that can be taken by the regulatory body.

We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Serbia	Republic Broadcasting Agency	Tick boxes	√	√	√
		Areas	Broadcasting development strategy (with the consent of the Government of the Republic of Serbia)	Overall implantation power on Broadcasting Law provisions, licenses, binding rules for all operators i.e. broadcasters	Supervision of the operators (broadcasters), sanctions against broadcasters
		Source	General act Broadcasting Law (e.g. Art 8(1)(1))	Broadcasting Law (e.g. Art 8(1)(2-5))	Broadcasting Law (e.g. Art 8(1)(6,9))

Table 10 - Supervision and monitoring power

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Serbia	Republic Broadcasting Agency	Quotas	N/A					
		Advertising	√ (during election campaigns)	√	√	√		Advertising Law (Art. 103, 107-109)
		Protection of minors	√ (during election campaigns)	√	√	√		Broadcasting Law (Art. 8, 12-18), General Binding Instruction on Conduct of Broadcasters www.rra.org.rs/files/1219931614general-binding-instructions.pdf (adopted on 26 June 2007)

Table 11 - Powers of sanctions

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Serbia	Republic Broadcasting Agency (Agency Council)	Quotas	N/A	N/A	N/A	N/A	N/A	
		Advertising	√ all sanctions are discretionary	Legal entity (RSD 300,000 – 3,000,000, approx. €3,000-30,000) or (RSD 100,000 – 1,000,000, approx. €1,000 – 10,000)	√	√		
		Protection of minors	√	Legal entity (RSD 300,000 – 1m approx. €3,000 – 10,000) Responsible person (RSD 20,000 – 50,000 approx. €200 – 500)	√	√	No	In case of non-compliance with the suspension/revocation of licence there is a procedure of forced execution of the Agency Council decisions (Art. 64a Broadcasting Law)

Table 12 - De facto use of formally granted competences and monitoring powers

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Serbia	Republic Broadcasting Agency	√ e.g. Strategy of Broadcasting Development in the Republic of Serbia Until 2013 www.rra.org.rs/files/	√ e.g. General binding instruction regarding broadcaster conduct – Broadcaster Code of Conduct www.rra.org.rs/files/1219931614-general-binding-instructions.pdf	√ e.g. Various measures (* Info in Serbian, www.rra.org.rs/index.php?id=31&task=mere , English	√ (during election campaigns)	√ No overall statistic available e.g. Monitoring (February 2008 on	√	√

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
		1219931626strategy.pdf	General binding instruction regarding publishing the contents of records excluded in criminal court proceedings www.rra.org.rs/index.php?task=content&id=14	version obsolete)		national broadcasters' coverage on the proclamation of independence of Kosovo)		

Table 13 - De facto use of formally granted sanction powers

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Serbia	Republic Broadcasting Agency	√ (8 Warnings and 15 Reprimands in cases of a first breach)	No	√ (almost all Warnings contain order to broadcast the decision in full, without further comments)	√ Total number of Revocations – 34 (Source: www.rra.org.rs/index.php?id=43&task=kategorija , info in English lacking) Different grounds (Broadcasting Law Art 61) <ul style="list-style-type: none"> No. of Revocations – 12 (Art 61(1)(1) “If a broadcaster notifies the Agency in written form it no longer intends to broadcast its programme”) No. of Revocations – 1 (Art 61(1)(3) “If the telecommunications regulatory authority revokes the issued radio station licence in respect of the provisions of a separate telecommunications law due to the occurrence of any reason envisaged by that law”) No. of Revocations – 21 (Art 61(1)(9) “If the broadcaster has not paid the broadcasting licence fee despite a warning pronounced in written form”) 	N/A

Table 14 - Complaints handling

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Serbia	Republic Broadcasting Agency	<p>Yes</p> <p>Complaints can only be received by post, signed</p> <p>Submissions can be filed by natural/legal persons “if they deem these programmes are violating or endangering their personal interests or the public interest.” (Broadcasting Law Art 14) OR by broadcasters (complaint) “about the conduct of another broadcaster which has inflicted or may inflict it damage” (Art. 15).</p> <p>Complaint is forwarded to a broadcaster concerned giving it 15 days deadline for a reply.</p> <p>Based on RBA’s findings RBA can impose measures</p>	<p>www.rra.org.rs/index.php?task=content&id=85 (procedure available in Serbian only)</p>

IV. INTERNAL ORGANISATION AND STAFFING

Table 15 - Highest decision-making organ – composition

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ						Implicit representation structures?	Source	
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts			Others (e.g. regions)
Serbia	Agency Council	Council	9					For all of them there is a formal requirement to be renown experts in the field (Art. 22)	Yes 1 from Kosovo and Metohija)	No information available	Broadcasting Law Art. 22 - 24

Table 16 - Highest decision-making organ – competences and decision-making process and transparency

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Serbia	Republic Broadcasting Agency (Council)	<p>Agency Council determines internal organisation and procedures (e.g. Statute, standing orders, organisation, Financial plan) (Broadcasting Law Art 33-34)</p> <p>Main Competences (Art 8):</p> <ul style="list-style-type: none"> • Adopting the broadcasting development strategy (with the consent of the Government) • Controlling and ensuring the consistent application of the Broadcasting Law • Issuing broadcasting licences • Setting technical, organisational and programming conditions for the production and broadcasting of programmes • Prescribing binding rules on 	<ul style="list-style-type: none"> • Presence quorum required (5/9) • Decisions taken by majority of votes • Absolute majority required for general by-laws and decisions on the rights of broadcasters • Two-thirds majority required in cases of e.g. appointment of the Council Chairperson, suspension of a Council member <p>In the event of a tie, the vote of the Council Chairperson's, or, if absent, the Deputy Chairperson's, prevails.</p>	No	<p>No</p> <p>Agency Council's agendas/minutes are not published. The Agency issues a public announcement briefly stating the issues discussed at the meetings. Last update – Nov. 2009.</p> <p>www.rra.org.rs/index.php?task=saopstenja_opsirno&id=17 (Serbian only)</p> <p>Annual reports only contain the overall number of Council's meetings</p>

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
		broadcasters ensuring the implementation of broadcasting policy <ul style="list-style-type: none"> • Supervising the work of broadcasters • Considering submissions filed by persons and complaints of broadcasters on the operation of other broadcasters • Delivering opinions on accession to international conventions in the broadcasting sector • Imposing adequate sanctions against broadcasters 			

Table 17 - Highest decision-making organ – appointment process

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Serbia	Republic Broadcasting Agency (Council)	Chairman	No	n/a	The chairman is appointed by the Council members once appointed (2/3 majority votes required)	n/a	Broadcasting law Art 32
		Board members	Yes	Various stakeholders can propose candidates to the Parliamentary Culture and Information Committee. 6 nominees by Parliamentary Culture and Information Committee, 2 nominees by Vojvodina Province Assembly, 2 by the Conference of the Universities 2 by media associations (both industry and journalists), professional associations	Based on the lists provided by the Culture and Information Committee, the Parliament appoints members (e.g. 3 out of 6 nominees nominated by Culture and Information Committee or 1 out of 2 in all other cases)		Broadcasting Law Art 22-24

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
				of film and drama artists and professional associations of composers by common agreement. 2 by NGOs (primarily active in the field of freedom of expression, minority rights, rights of children), by common agreement 2 by traditional churches and religious communities 1 nominee residing in the Province of Kosovo and Metohija, by already appointed members of the Councils			

Table 18 - Term of office and renewal

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Serbia	Republic Broadcasting Agency (Council)	Chairman of the board	6 years	No	Yes – There is no specific provision on the mandate renewal, hence it could be life tenure.	Broadcasting law Art 27, Agency Council Statute
		Board members	6 years (terms of office for the first Council is 3 members for 6 years, 3 for 5 and 3 for 4 years)	No	Yes – There is no specific provision on the mandate renewal, hence it could be life tenure.	Broadcasting law Art 27. Agency Council Statute

Table 19 - Professional expertise/qualifications

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Serbia	Republic Broadcasting Agency (Council)	Chairman of the board	Should be “reputed experts in fields relevant to conducting the affairs within the Agency’s competences (media experts, advertising experts, lawyers, economists, telecommunication engineers, et al.)”		Broadcasting law Art 22
		Board members			

Table 20 - Rules to guard against conflicts of interest – Appointment process

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Serbia	Republic Broadcasting Agency (Council)	Chairman	Yes Broadcasting Law * there is no clear rule that servants/members of other public bodies cannot be nominated for members of the Council		Yes Cannot be elected or appointed officials in the Council of Ministers, the Government, and the executive bodies of the autonomous provinces,, their deputies, assistants, as well as heads of separate departments directly controlled by the Government or of executive bodies, and other officials	Yes Cannot be officials of political parties	Yes Cannot be owners of shares or stocks, members of management or supervisory bodies, employees, of companies involved in the production and/or broadcasting of radio and television programmes or related activities (advertising, telecommunications)	No	Yes Obligation to present biography including ownership or any information that might be related to possible conflicts of interest, in addition to their declaration of assets to the Anti-corruption Agency	Broadcasting Law Art. 25, 28 And Law on the Anti-Corruption Agency (Official Gazette 97/2008, in force as of 1 JAN 2010) www.korupcija.gov.rs/cms/item/zakon/ci/zakon-o-agenciji.html (in Serbian only) Art 27 - 35

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
		Board members	Yes * there is no clear rule that servants/members of other public bodies cannot be nominated members of the Council		Same as above	Same as above	Same as above	No	Same as above	Broadcasting Law Art. 25 And Law on the Anti-Corruption Agency Art 27 - 35
		Senior staff	Yes (general rules on conflict of interest apply)			Yes	Yes	Yes	Yes (All high ranked official report their assets to the Anti-Corruption Agency)	Law on the Anti-Corruption Agency, Art 27 - 35

Table 21 - Rules to guard against conflicts of interest – during term of office

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Serbia	Republic Broadcasting Agency (Council)	Chairman	Yes		Yes Cannot be officials in the Council of Ministers, the Government,	Yes Cannot be officials of political parties	Yes Cannot be owners of shares, members of management or supervisory bodies, employees, in	Broadcasting Law Art. 29 Law on the Anti-Corruption Agency, Art 27 - 35

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
					and the executive bodies of the autonomous provinces		companies involved in the production and/or broadcasting of radio and television programmes or related activities (advertising, telecommunications).	
		Board members	Yes		Same as above	Same as above	Same as above	Broadcasting Law Art. 29 And Law on the Anti-Corruption Agency Art 27 - 35
		Senior staff	Yes		Yes	Yes	Yes	Law on the Anti-Corruption Agency Art 27 - 35

Table 22 - Rules to guard against conflicts of interest – after term of office

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Serbia	Republic Broadcasting Agency (Council)	Chairman		No		
		Board members		No		
		Senior Staff		No		

Table 23 - Rules to protect against dismissal

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Serbia	Republic Broadcasting Agency (Council)	Chairman	Yes		The Parliament decides on the dismissal (proposed by 2/3 majority votes in the Council or 20 MEPs)	<ul style="list-style-type: none"> If a competent health institution finds the member incapacitated by an illness to fulfil the duties of Council member for a period exceeding six months. If it is determined that, during the submission of the nomination, or during the mandate, the member gave false personal data or omitted to report data on circumstances regarding possible conflict of interest. If for no good reason, the member omits or refuses to fulfil the duty of a Council member for at least three consecutive months or a period of 12 months during which the member has failed to fulfil his duties for at least six months. 	Only Individual members	Broadcasting Law Art 29
		Individual board members	Yes		Same as above	Same as above	Same as above	Broadcasting Law Art 29

Table 24 - Dismissal before term

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Serbia	Republic Broadcasting Agency (Council)	2008	Chairman	Yes * not in Parliament only by the Council		Vague (initiated by the Council members – linked with appointment of the members of the Managing board in the PBS – Radio-Television of Serbia)	He continued to be member of the Council.
			Individual board members	Yes (Deputy Chairman) * not in Parliament only by the Council		Vague (initiated by the Council members – linked with appointment of the members of the Managing board in the PBS – Radio-Television of Serbia)	He continued to be member of the Council.

V. FINANCIAL RESOURCES

Table 25 - Sources of income

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Serbia	Republic Broadcasting Agency	No (broadcasting fees are for the PBSs)	Net budgeted agency – all surplus income is	No	Yes 2008 – RSD 515,240,000 (€5.15m) [spent app RSD 278m and ; the rest – app.	No	Yes	Broadcasting Law, Art 35 For incomes: Information booklet www.rra.org.rs/files/1240572628INFORMATOR%20O%20RADU%20RRA.pdf

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
			transferred to state budget State funding only if budget insufficient, it was funded by the state until January 2007		RSD 236m given to the State budget] 2007 – 579,122,000 RSD (app. €5.79m) [spent app 280m; the rest – app. 298m RSD given to the State budget]			(in Serbian only, last update March 2009)

Table 26 - Annual budget

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Serbia	Republic Broadcasting Agency	Republic Broadcasting Agency Council adopts the Financial plan for each year for the budget in accordance with the Statute. The Financial plan is approved by the Parliament. In case the Agency's revenues are insufficient the funding is from the state budget (decision – Government).	Yes	In case the Agency revenues are insufficient the funding is from the State budget (Government).	In principle no as law foresees that it foresees its own budget.	Broadcasting Law, Art 34-35

Table 27 - Financial accountability – auditing

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					Legal basis
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	
Serbia	Republic Broadcasting Agency	Yes	Annual	Yes (however, not done yet due to State Audit Institution lack of capacity)	No (private auditing undertaken in 2007, www.rra.org.rs/files/izvestaj_revizora_za_2007.pdf)	No	Broadcasting Law, Art 34

VI. CHECKS AND BALANCES

Table 28 - Formal accountability

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Serbia	Republic Broadcasting Agency	Parliament	No	(Agency publishes annual reports)	N/A
		Government as a whole	No	N/A	N/A
		Specific ministers (e.g. Media, finance, etc.)	No	N/A	N/A
		Public at large	Yes	This is only general accountability applicable to all state authorities – e.g. through freedom of information act Also Agency publish Annual reports	Broadcasting Law, art. 29, 36. Statute art. 30-31
		Other	No	N/A	N/A

Table 29 - Reporting obligation

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved?	Link
Serbia	Republic Broadcasting Agency	The BA stipulates that the RBA publishes annual report on its work as defined by the RBA Statute, which in return only refers to the publication on the RBA's website.	Annual	Not defined	No	No	No	RBA Report for 2008 www.rra.org.rs/files/12405765761zvestaj%20o%20radu%20RRA%20za%202008.pdf (in Serbian) RBA Report for 2007 www.rra.org.rs/files/12405765151zvestaj%20o%20radu%20RRA%20za%202007.pdf (in Serbian) RBA Report for 2006 www.rra.org.rs/files/12337628431zvestaj%20o%20radu%20RRA%20za%202006.%20godinu.pdf (in Serbian)

Table 30 - Auditing of work undertaken

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Serbia	Republic Broadcasting Agency	Yes However, not undertaken due	Annual	Yes State Audit	Yes in 2007	No	Art. 34 Broadcasting Law

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
		to S.A.I. lack of resources		Institution	www.rra.org.rs/files/izvestaj_revizora_za_2007.pdf (in Serbian)		

Table 31 - Power to overturn/instruct

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Serbia	Republic Broadcasting Agency	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	According to the Broadcasting Law, art 6 (2) “The Agency is an autonomous legal person and is functionally independent of any state body , as well as of all organisations and persons involved in the production and broadcasting of radio and television programmes and/or related activities.” (emphasis added)
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No	

Table 32 - Number of stages in appeal procedure

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Serbia	Republic Broadcasting Agency	Internal	1	Council	Yes	Natural/legal person Broadcaster	Broadcasting Law (general rules – Law on Administrative Disputes)
		External	1	Administrative Court (possibility to go to court de cassation in extraordinary cases as an appeal of the administrative court's decision)			

Table 33 - Does the regulator's decision stand pending appeal?

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Serbia	Administrative Court		√		N/A

Table 34 - Accepted grounds for appeal

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Serbia	Administrative Court (before the judicial system reform it was the Supreme Court of Serbia – Administrative Division)	√	√	√	N/A

Table 35 - Does the appeal body have power to replace the original decision with its own?

Country	Body	Appeal stage	Yes	No	Comments
Serbia	Republic Broadcasting Agency	1 Administrative Court (before the judicial system reform it was the Supreme Court of Serbia – Administrative Division)		√	The appeal body has the power to cancel the decision and remit it back to regulator for new decision.

VII. PROCEDURAL LEGITIMACY

Table 36 - External advice regarding regulatory matters

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Serbia	Republic Broadcasting Agency	Yes	Not transparent	Yes	-	Yes

Table 37 - Public consultations

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Serbia	Republic Broadcasting Agency	None	/	/			

Table 38 - Public consultations – figures

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Serbia	Republic Broadcasting Agency	2005-2009	0

Table 39 - Publication of regulator’s decisions

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Serbia	Republic Broadcasting Agency	All decisions are published on the Agency’s website For licenses, the RBA should publish the call for application	I. Decisions on revocation of licence or decisions regarding the broadcasters that were not provided with the license need to be justified. (Broadcasting Law, Art 53 (1)(8)). These provisions are not required	No	No

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
		(Public Tender) in the Official Gazette. Following the procedure of the allocation of licenses the RBA publishes the list of all applicants that were provided with the license (Broadcasting Law, Art 53)	to be published/announced to general public, however any person may require a copy of the decision based on Free Access to Information Law.		

VIII. COOPERATION

Table 40 - Cooperation with other regulatory authorities

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Serbia	Republic Broadcasting Agency	Cooperation with Republic Telecommunications Agency: 1. in the process of allocation of licences the two Agency coordinate their work in order to secure the deadlines for the license (both for frequency and broadcasting) 2. in the process of the adoption of Strategy of Broadcasting Development in the Republic of Serbia Until 2013, the RBA should seek for the opinion (www.rra.org.rs/files/1219931626strategy.pdf)	1. cooperation formalised and regular (e.g. Broadcasting law Art. 5 and 53 (1)(6)) 2. form of cooperation specified in the Broadcasting Law Art. 9	No	Since the Broadcasting Law explicitly emphasises the independence of the Agency, any cooperation with national bodies unless stipulated in the Law is under scrutiny.

Table 41 - International cooperation

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Serbia	Republic Broadcasting Agency	Yes 1. European Platform of Regulatory Authorities 2. Mediterranean Network of Regulatory Authorities	Broadcasting Law Art 16 (2) (Cooperation with the State other bodies and organisations)	* The representatives of Serbia in the work of the Standing Committee under CoE Convention on Transfrontier Television (Art 32) is the Ministry of Culture (also for Media), not the Republic Broadcasting Agency