

VII CONCLUSION

The calling of the elections in Serbia has added extra pressure on the media. The pressure comes from various sides, most often in the form of rows between the local authorities and power players on one hand, and the owners of media on the other, who are accused of misusing their journalists in order to politically promote the political parties they are affiliated or close to. We have written about such cases in this Report. Most often, these are instances of discrimination against journalists and media that are judged to be critical of a particular political force, by enabling access to information and events only to obedient and spineless reporters and media outlets. A particular concern is an environment where such discrimination is accepted as normal and acceptable behavior and where pressure is not even concealed, but presented as something legitimate. The RBA tried, with the adoption of the General Binding Instruction (GBI) about the conduct of stations in the election campaign, to introduce certain rules, but these rules are first and foremost aimed at protecting the viewers, by restricting the rights of broadcasters from selling excessive air time to political parties. The media and the journalists are, however, left to defend themselves on their own. The GBI has other shortcomings, including an inherent lack of clarity, due to which it required many additional interpretations and clarifications. This is evidenced by the controversy caused by divergent interpretations of the GBI's instruction requiring the media to avoid indirect political propaganda in their regular programs, as well as to exclude documentary, feature, entertainment and similar programs and films featuring an official, prominent representative of a political party or candidate. The mere fact that the RBA had to explain that the controversial clause of the GBI did not pertain to news and investigative programs is enough of a reason to be worried. In the same vein, the RBA is constantly invoking the method of classification of program genres it applies, which nonetheless remains unknown and mysterious, since the Agency has never released it. Until all these criteria are known and available, reasons for concern will persist as to the possibility that programs are being classified arbitrarily. It is particularly important to point out that this program is not exclusively linked to the election campaign, since genre classification of programs is already important for the enforcement of regulations concerning advertising. The Advertising Law namely regulates differently the right to sponsorship or completely prohibits interruption of programs of certain genres, which has caused a great deal of trouble in practice, in situations where the broadcaster itself has classified a particular program differently (so as to allow the conclusion of sponsorship or interruption of the program with commercials) than the RBA, whose classification of that same program excludes the possibility of sponsorship and prohibits/restricts interruption due to commercials. Many legal proceedings are currently underway because of the above situation, with a precarious outcome. While the election campaign has created the situation where the

outgoing government has given up certain fundamental commitments from the Media Strategy, or the resolution of certain burning problems identified by that Strategy (as evidenced by the granting of the interest-free loan to the Tanjug news agency), we must commend and highlight the serious step forward made with the amendments to the Digitalization Strategy, the issuance of licenses for the initial digital network and the beginning of the simulcast in Serbia. This is expected to enable the necessary testing of the signal, transmitters, receivers, network parameters and signal reception capacities, which should all together allow a smooth digitalization of terrestrial broadcasting in Serbia.