



**KOALICIJA  
ZA SLOBODU MEDIJA**

**DRAFT LAW ON PUBLIC INFORMATION AND MEDIA**

**By Coalition for Freedom of Media**

## I. GENERAL PROVISIONS

### **Public Information and Media**

#### Article 1

Public information is realised through the media.

### **Purpose of the Law**

#### Article 2

The rules on public information provide and protect the release, receipt and exchange of information, ideas and opinions through the media with a view to improving the values of a democratic society, preventing conflict and preserving peace, authentic, timely, reliable, and complete informing and enabling free personal development.

### **Subject Matter and Scope of the Law**

#### Article 3

This Law governs the manner in which the freedom of public information is to be exercised, including, in particular, freedom to gather, publish and receive information, freedom to form and express ideas and opinions, freedom to print and distribute newspapers and freedom to produce, provide and publish audio and audio-visual media services, freedom to distribute information and share ideas via the Internet and other platforms, and freedom to publish the media and perform activities pertaining to public information.

This Law governs the principles of public information, public interest in public information, provision and allocation of funds to realise public interests, imprint, imprint summary and identification, publicity of information about the media and the Media Register, protection of media pluralism, the role of editor, journalist and foreign media representatives, media distribution, temporary safekeeping and access to media records, special rights and obligations pertaining to public information, personal information, means and procedures of legal protection, supervision of the application of legal provisions and penal provisions.

### **Freedom of Public Information**

#### Article 4

Public information is free and it is not subject to censorship.

Any direct or indirect discrimination of programme editors, journalists or other persons involved in the public information sector based, in particular, on their political choices and beliefs or other personal characteristics is forbidden.

The free flow of information through the media or the editorial autonomy of the media, especially by putting pressure, threatening or blackmailing editors, journalists or sources of information, shall not be jeopardised.

Any physical assault on an editor, a journalist or other persons involved in gathering and publishing information through the media shall be punishable by law.

The freedom of public information shall not be violated by abuse of office or public powers, ownership or other rights, or by exerting influence or control over the means of printing and distribution of papers or over electronic communication networks used for the distribution of media content, and/or platforms used to distribute media content.

### **Information about the Issues of Public Interest**

#### Article 5

The media shall publish information, ideas and opinions on occurrences, events and persons that the public has a legitimate interest to know about, regardless of the manner in which the information was gathered, in accordance with the provisions hereof.

Everyone has the right to get true, complete and timely information about the issues of public importance and the means of public information shall honour this right.

### **Protection of Media Pluralism and Ban on Monopoly in the Public Information Sector**

#### Article 6

In order to enable citizens to form their own opinions of occurrences, events and persons, the versatility of sources of information and media content shall be provided.

In order to protect competition and diversity of ideas and opinions, any form of monopoly in the field of public information is forbidden.

No one shall have the monopoly over the publication of information, ideas and opinions in a media outlet.

No one shall have the monopoly over the establishment or distribution of the media.

### **Public Availability of Information about the Media**

#### Article 7

In order to enable citizens to form their own opinions about the authenticity and reliability of information, ideas and opinions published in the media, in order to be able to identify the possible influence of the media on public opinion and in order to protect media pluralism, the public availability of information about the media shall be granted.

### **The Position of Public and Political Figures**

#### Article 8

The elected, appointed, i.e., assigned holder of public office shall be obliged to be subjected to the expression of critical opinions that pertain to the results of their performance, i.e., the policy

they implement, and the opinions are in relation to performing their function – regardless of whether they feel personally affected by the expression of these opinions.

### **Obligation of Journalistic Due Diligence**

#### **Article 9**

Prior to publishing the information about an occurrence, an event or a person, both the editor and the journalist shall check its origin, authenticity and completeness with due diligence appropriate for the circumstances and in line with journalistic code of conduct.

Both the editor and the journalist shall convey the accepted information, ideas and opinions authentically and fully, and if the information is taken from another media outlet, they shall credit that media outlet.

### **Public Broadcasting Services**

#### **Article 10**

Public broadcasting services and other media operating in accordance with the principles of public media services shall in particular report on the occurrences, events and persons in a timely and an unbiased manner, enable the expression of ideas and opinions that are present in the community, encourage discussion on all subjects of interest to the public in the spirit of tolerance, produce various programme contents and strive to provide services of the highest quality.

### **Civil Sector Media**

#### **Article 10a**

Civil sector media shall provide their services in respect of public interest, for the purposes of meeting specific interests of particular social groups and citizens' organisation.

### **Rights of Publishers**

#### **Article 11**

Everyone shall respect the rights of media publishers and providers of audio and audio-visual media service (hereinafter: publisher).

Natural and legal persons, domestic and foreign, have equal rights to publish and other rights pertaining to publishing, in accordance with law and signed international agreement.

### **Right to Information of Persons with Disabilities**

#### **Article 12**

With a view to protecting the interests of persons with disabilities and ensuring equality in their exercising the right to freedom of opinion and expression, the Republic of Serbia, Autonomous Province and local self-government unit shall take measures to ensure smooth receipt

of information intended for the public, in the appropriate form and by applying appropriate technologies, and provide part of funds or other conditions for the operation of the media that publishes the information in Sign Language or in Braille Code, or in another way facilitate the exercise of these persons' rights pertaining to the public information sector.

### **Right to Information of Members of National Minorities**

#### Article 13

With a view to enabling members of national minorities to exercise their right to information in their own languages and script, and the right to foster their own cultures and identities, the Republic of Serbia, Autonomous Province and local self-government unit shall provide part of funds, through co-financing, or other conditions for the operation of the media that publishes information in the languages of national minorities, through the authority responsible for public information affairs.

Republic of Serbia and Autonomous Province shall ensure stable, transparent and non-discriminatory funding sources for media publishers established by the national minority councils, equally for all publishers in the territory of Republic of Serbia, and/or autonomous province.

### **Application and Interpretation of Legal Provisions**

#### Article 14

The provisions hereof shall not be interpreted or applied in a manner that abolishes the freedom of public information or restricts it in an extent greater than that provided for hereunder.

The provisions hereof shall be interpreted and applied in accordance with the generally accepted rules of international law, current international standards for human and minority rights and the practices of international institutions supervising their implementation.

## **II. PUBLIC INTEREST IN PUBLIC INFORMATION**

### **Public Interest**

#### Article 15

In the field of public information, public interest means:

- 1) Authentic, unbiased, timely and full information available to all citizens of the Republic of Serbia;
- 2) Authentic, unbiased, timely and full information in the mother tongues of the citizens of the Republic of Serbia belonging to national minorities;
- 3) Providing information in the Serbian language for the Serbian citizens living outside the territory of the Republic of Serbia;
- 4) Maintaining cultural identity of the Serbs and national minorities living on the territory of the Republic of Serbia;

5) Providing information for the foreign public in the languages and scripts of interest for the Republic of Serbia;

6) Providing information for persons with disabilities and other vulnerable social groups;

7) Supporting the production of media content with a view to protecting and developing human rights and democracy, improving a constitutional state and a welfare state, free developing of character and protecting children and youth, developing cultural and artistic creativity, developing education including media literacy as part of education system, developing science, sports and physical culture and protecting environment and human health; supporting the production of media content with a view to increasing citizens' interest for availability of public funds.

9) Improving media and journalistic professionalism, professional knowledge and skills and ethical standards;

10) Supporting the production of media content with a view to promoting tolerance and intercultural dialogue for the purpose of mutual respect, understanding and cooperation among all the people living in the territory of Republic of Serbia, irrelevant of their ethnic, cultural, linguistic or religious identity;

11) Providing information on topics locally and regionally relevant;

12) Developing and implementing coordinated national policy for media, information and digital literacy.

13) Providing information on Serbia' European integration process, joint European cultural, historical and geographic area, and Pan European dialogue on policies, values and future of the EU.

The Republic of Serbia, Autonomous Province and local self-government unit shall ensure the realisation of public interest by encouraging the diversity of media content, the freedom of expression of ideas and opinions, development of free and professional media, and ensuring stimulating environment for media sustainability that shall contribute to meeting, without any discrimination, citizens' needs for information and content from all areas of life.

### **Realisation of Public Interest**

#### Article 16

The Republic of Serbia shall realise public interest in the field of public information exclusively by:

1) Establishing public services at the the level of the republic and the province, in accordance with the law;

2) Establishing an institution in order to exercise the right to public information of the population living on the territory of the Autonomous Province of Kosovo and Metohija;

3) Enabling National Minority Councils to establish institutions and companies in order to exercise the right to information in minority languages or to establish a foundation in order to achieve the objective of improving public information in minority languages that benefits all, in accordance with law;

- 4) Co-financing projects in the public information sector in order to realise public interest.
- 5) Creating favourable environment for the multilingual media and their work.
- 6) Creating favourable environment for the civil sector media and their work.
- 7) Creating favourable environment for the media reporting on local and regional topics and their work.
- 8) Writing national strategy for developing media, information and digital literacy and establishing coordinated national network for media, information and digital literacy.

Creating favourable environment shall mean nurturing activities that should guarantee independent work of media, free of pressure.

The by-law of the institution, company or foundation referred to in points 2) and 3) of paragraph 1 of this Article shall in particular regulate appointment and election procedures for management bodies and, where the institution, company or foundation is the publisher of the media, for the editor-in-chief, in a way that ensures full editorial independence of the media.

The director of the institution, company or foundation and, where the institution, company or foundation is also the publisher of the media, the editor-in-chief, shall be appointed and relieved of duty by the management body, for a four-year period, following a public competition.

Two thirds of the members of the management body - of the institution, company or foundation referred to in paragraph 1 points 2) and 3) of this Article shall comprise independent members, i.e. persons who have not held public office for at least three years prior to being appointed members of the management board of the institution or foundation referred to in paragraph 1 points 2) and 3) of this Article in accordance with the legislation on the prevention of the conflict of interest when performing public function.

### **Article 16a**

The editorial policy of media whose publishers are established by national councils of national minorities is independent of publishers and aligned with the principles of public broadcasters' work.

The independence of editorial policy shall be ensured by the internal code of ethics adopted by the national minority council and the media publisher founded by the national minority council.

When electing the editor-in-chief of the media whose publishers are founded by the national minority councils it is mandatory to obtain editorial staff's opinion on the candidate. The editorial staff shall secretly vote on the editor-in-chief candidate. The publisher shall undertake to accept in full consideration the editorial staff's opinion on the candidate.

Membership in a national council or a political party is incompatible with holding any office in the management bodies of media publishers whose founders are national minority councils.

Members of the management bodies of media publishers whose founders are national minority councils have to be media professionals, with proven record of accomplishment or important academic papers related to media, such as: media professional and experts, economists, telecommunication engineers with experience in media services provision technology, media legal experts, etc., with at least 5 years of experience in working with media or media outlet with clear indicators, without discrimination on any grounds whatsoever.

Representative of media publishers whose founder is a national minority council and a member of a management body too shall have to meet the requirements and have at least 5 years of experience in media management and proven record of accomplishment.

Members of the management body and representative of publisher whose founders are national minority councils must be free of conflict of interest, within the meaning of the law regulating the conflict of interest.

The media publishers whose founders are national minority councils shall undertake to publish financial reports and the report on implementation of internal code of ethics every year.

National minority councils shall deliver in advance to the public authorities publishing call for proposals for project co-financing in national minority languages the non-mandatory opinion on the type of media content the particular national community requires in order to raise the level of quality of information in their language.

### **Article 16b**

(1) The Republic of Serbia, Autonomous Province and local self-government unit, at least once in three years carry out the needs analysis pertaining to media content in public interest, starting from the definition of public interest in the field of public information from Article 15 hereof, drawing a report about this analysis which is an integral part of the public competitions from Article 17 hereof.

(2) For the purpose of obtaining opinion of wider and professional public, during the procedure of analysis, the public authority from paragraph 1 of this Article, shall carry out public consultations for a minimum of 30 days, when the public authority will collect opinions from wider and professional public on the missing media content to realise some of the public interest goals prescribed under Article 15 hereof.

(3) Following the consultations, the public authority referred to in paragraph 1 of this Article, shall adopt a report on needs analysis on the missing media content to be used later on in defining the purpose and sum of the public competition from Article 17 of this law, and publish it on its website.

(4) The ministry responsible for public information affairs shall regulate in detail the manner and procedure for drawing up the needs analysis of media content for realisation of public interest, the content of such analysis, the content of report on needs analysis of the missing media content, public consultation programme content and the template for giving opinion on the subject of public consultation.

## **III. CO-FINANCING PROJECTS IN THE PUBLIC INFORMATION SECTOR IN ORDER TO REALISE PUBLIC INTEREST**

### **Provision and Allocation of Funds**

#### Article 17



The Republic of Serbia, Autonomous Province and local self-government unit shall provide from their budgets part of the funding for realising public interest in the public information sector (hereinafter: public competition) and shall allocate the funds on the basis of public competitions and by way of allowances, in accordance with the provisions of non-discrimination and the rules for state aid allocation and protection of competition.

The funds allocated and transferred to special accounts with the Treasury Administration, under paragraph 1 of this Article, shall not be subject to enforcing payment.

When deciding on the amount of funds allocated in each separate public competition from paragraph 1 of this Article, the public authority shall first take into consideration real costs of the media content production the competition is being announced for, according to the results of the completed analysis from Article 16b of this law.

Provisions of paragraph 3 hereof are applicable accordingly when determining minimum and maximum amount of funds allocated per project for each separate public competition.

Provisions of paragraph 3 hereof are applicable accordingly to the published call for proposals for projects meant for organisation and participation in expert, scientific and appropriate gatherings as well as professional education and improvement of professional and ethical standards in the field of public information from Article 18 para. 1 point 2) of this law.

In case of allowances, maximum 5 % of the total earmarked funds for the realisation of public interest may be allocated in the area of public information.

## **Public Competitions**

### Article 18

There will be public competitions for the projects pertaining to:

- 1) Production of media content;
- 2) Organisation of and participation in expert, scientific and other appropriate gatherings, professional education and improving professional and ethical standards as well as research in the public information sector.

The amount of funds allotted for the projects of production of media content may not be lower than 90 % of the amount allotted for a public competition.

## **Announcing Public Competitions**

### Article 19

Bearing in mind the public interest defined in Article 15 and needs analysis of the missing content from Article 16b hereof, the authority responsible for the public information affairs of the Republic of Serbia, Autonomous Province or a local self-government unit in accordance with the regulations governing the operation of these bodies (hereinafter referred to as the authority which announces a public competition) shall pass a decision on public competitions to be announced over the course of a calendar year.

The authority announcing the competition shall obtain the opinion of national minority councils whose representatives live in the territory of jurisdiction of the authority announcing competition pertaining to media content required by the specific national minority, for improving the quality of information in the native language.

The opinion from the previous paragraph is not mandatory.

The authority announcing the competition is obliged to announce it no later than 31 January of the current year for that calendar year.

The authority announcing the competition in particular takes care of improving the quality of information provided for the persons referred to in Articles 12 and 13 of this Law.

The authority responsible for the public information affairs of the Republic of Serbia shall announce public competitions with a view to improving the quality of information provided for the citizens living on the territory of the Autonomous Province of Kosovo and Metohija and representatives of Serbian people in the countries of the region.

Public competitions will be announced in the form of open calls for project proposals and published on the website of the authority referred to in paragraph 1 hereof and at least in one daily or weekly paper distributed on the territory falling under the jurisdiction of the authority announcing the competition.

## **Content of Public Competition**

### Article 20

Public competition shall identify the following:

- 1) The purpose of the funds for the realisation of public interest and the amount thereof, as well as minimum and maximum amount to be approved for project realisation;
- 2) The right to participate in public competition;
- 3) The conditions of public competition applications;
- 4) The criteria for project evaluation;
- 5) The time-frame of public competition;
- 6) The documentation attached by project applicant.

The integral part of the competition from paragraph 1 hereof includes the needs analysis report from Article 16b paragraph 1.

The invitation for proposing the members of the Selection Panel from Article 24 hereof shall be sent through the competition.

## **Right to Participate in Public Competition**

### Article 21

The following shall have the right to participate in a public competition:

1) A publisher of the media, whose media is entered in the Media Register, shall:

- have appropriate authorisation for providing media service in line with the law regulating the electronic media and is entered in the Media Register kept by the regulatory authority of electronic media, when electronic media are concerned;
- accept the competence of self-regulatory body in charge of application of professional and ethical standards the Press Council for printed and electronic media;

2) A legal person or an entrepreneur involved in the production of media content registered in the Media Content Production Register from Article 37 of this law and who submits evidence that the co-financed media content will be realised through the media that meets the conditions from point 1) hereof.

Any legal person or entrepreneur shall have the right to participate in the public competition referred to in Article 18 paragraph 1 point 2) hereof, with the exception of persons identified in Article 44 paragraph 1 hereof, including the persons not meeting the conditions from paragraph 1 point 1 of this Article.

Publishers funded from the public revenue may not participate in public competitions.

## **Competition Requirements**

### Article 22

An applicant may apply only with one project.

For the purpose of this Law, “project” means a whole programme unit or part thereof (either in terms of genre or in terms of time) that contributes to the realisation of public interest referred to in Article 15 hereof.

A media publisher may apply with one project per each media outlet.

An applicant may suggest the co-financing of the project in the amount not exceeding 80 % of the project value, and maximum in the amount identified in the call for project proposals, and not exceeding 50% for the projects of television media content production.

Competition participant may hire another legal person or entrepreneur for production of a minor share of media content for whose production, and/or postproduction they do not have adequate capacities at their disposal, in accordance with budget specification, provided that this person is registered in the Media Content Production Register from Article 37.

Another legal person or entrepreneur hired to produce a minor share of media content may not be employed with the media publisher and may not be a person associated with the media publisher as defined under the law governing the legal status of companies and other forms of organisation.

An applicant who has, in the current calendar year, already used the funds allotted for project co-financing in the field of public information at a republic, provincial or local level, may apply

for the co-financing of that same project only one more time in that calendar year, in the amount which, combined with the funds already received, does not exceed 80 % of the project value.

It is not allowed to limit the rights of participation in the Competition by prescribing discriminatory conditions, such as conditions limiting participation of a specific publisher pertaining to publisher's seat, location of the programme production equipment, limitation referring to specific type of media, and media content (unless those are measures of affirmative action related to realisation of information rights for minority and other vulnerable groups, that public authority announcing the Competition for distributing funds from local self-government unit is using to positively discriminate competition participants from the territory of local self-government unit, in accordance with the conditions prescribed by this law), etc.

## **Project Assessment Criteria**

### Article 23

Project shall be assessed according to the extent to which proposed project activities are appropriate for the realisation of public interest in the public information sector in accordance with Article 15 hereof, and according to the extent to which, based on the documents submitted, the applicant provides a better guarantee of his commitment to the professional and ethical media standards.

The stronger guarantee of adherence to professional and ethical standards within the meaning of this Article shall be verified by obtaining information from competent authorities that in the year before the competition the regulatory authority has not imposed any measure regarding electronic media, or that no act of the self-regulatory body of the Press Council – for printed and online media has been adopted, to ascertain that specific media outlet has violated legal provisions, and professional ethics standards pertaining to protection of human rights (such as violating the right to presumption of innocence within the media content prior to court decision, violating rights of privacy by reporting information from personal life not in the service of public interest, violation of provisions pertaining to special protection of minors, as well as violating other provisions protecting human rights).

If the measure from paragraph 2 hereof has been imposed, the severity of the breach and number of imposed measures shall be taken into consideration, as well as behaviour following the imposed measure, which is corroborated by information of competent regulatory, and/or self-regulatory authority from paragraph 2 hereof.

Public authority announcing the Competition cannot prescribe criteria discriminating between various media publishers unjustifiably, meaning favouring specific publisher by prescribing unfounded criteria, in particular by referring to scope and quality of the previous cooperation between public authority and a specific publisher, creating criteria that only one or some publishers can meet, etc.

Discriminating between different media publishers, and favouring of publishers will not be considered unfounded by public authority announcing the Competition and criteria to allocate the funds from local self-government units to positively discriminate the competition participants from the territory of the local self-government units thereof, if such criteria will contribute to the

realisation of public interest in the field of public information, and will not eliminate the competition in the relevant market.

Detailed criteria for individual public competitions shall be announced in open calls for project proposals.

## **Selection Panel**

### Article 24

The assessment of submitted project proposals shall be done by a panel of experts comprising three to five members (hereinafter: panel).

The members of the panel referred to in paragraph 1 of this Article shall be appointed by the manager of the authority that published the call for project proposals from amongst independent experts on the media and media workers provided there is no conflict of interest and that they do not hold public office, within the meaning of the regulation governing the conflict of interest.

Independent media expert from paragraph 2 of this Article shall be an expert with the reputation in professional public, and an academic degree in the field relevant for the media, or that they have created important and recognised works or practice in media, and/or project financing and co-financing.

The persons who have been appointed, nominated, employed or otherwise engaged in bodies of Republic of Serbia, Autonomous Province, local self-government unit, bodies of public enterprises and companies, institutions or other organisations founded by Republic of Serbia, Autonomous Province, local self-government unit or being their member, as well as persons associated with these persons within the meaning of the provision regulating the conflict of interest, cannot be engaged in the work of the panel referred to in paragraph 1 of this Article.

Exceptionally to limitations from paragraph 4 of this Article, the employed persons or persons otherwise engaged in the public authority announcing the Competition, are allowed to carry out administrative and technical tasks referring to specific Competition for the Panel, so in this capacity they are allowed to participate in the Panel's work, but without the right to vote on decisions.

The majority of the panel members referred to in paragraph 1 of this Article shall be appointed at the recommendation of journalist media associations if such a recommendation exists and if the persons proposed meet the legal criteria.

The members of the panel shall be appointed for each individual public competition and the decision on their appointment and rating lists for evaluating resumes, as well as resumes of all candidates who applied for members of the Panel, including resumes of appointed members of the Panel, shall be published on the website of the authority referred to in paragraph 2 of this Article,

The ministry responsible for public information affairs shall regulate in detail the template for submitting resumes and rating lists for their evaluation.

Members of the selection panel shall undertake to sign a declaration of interest pertaining to their engagement in the Panel and decision-making. (Statement).

Appointed person shall not undertake actions in the capacity of the Panel member before they sign the declaration referred to in paragraph 9 hereof.

If they learn they are in conflict of interest, the members of panel are obliged to notify other members of the panel on that and exclude themselves from further work of the panel.

The competent authority shall decide on the conflict of interest for each individual case, and when the conflict of interest is confirmed, they will appoint a new member.

## **The Work of Selection Panel**

### **Article 24a**

The Panel shall meet and adopt decisions at sessions.

The Panel elects the President, by majority vote from the group of members appointed on the proposal of journalistic and media associations if this proposal exists.

The Panel shall keep the minutes on its work and decisions, signed by the President of the Panel.

When the work is completed, the Panel shall compose the justified proposal, rating lists of all projects received and along with the decision-making and work minutes referred to in paragraph 3 hereof deliver those to the manager of the public authority announcing the Competition.

The ministry responsible for public information affairs shall regulate in detail the template of rating lists for evaluating received projects, including the rules on the Panel work and decision-making methods.

## **Decision on the Allocation of Funds**

### **Article 25**

The decision on the allocation of funds shall be made by the manager of the authority that published the call for project proposals, on the basis of a justified recommendation provided by the panel, within eight days of the day of Panel proposal delivery to the public authority.

The decision referred to in paragraph 1 of this Article shall be passed in the form of resolution with a rationale for each individual public competition.

The decision referred to in paragraph 1 of this Article shall not differ from the Panel proposal.

If the public authority shall estimate that Panel proposal is against the law, it will send an objection to the Panel together with the indication of alleged unlawfulness of the Panel proposal, with the explanation and proposal for rectifying the alleged unlawfulness.

In a special session, the Panel will consider the objection referred to in paragraph 4 of this Article.

While reconsidering the objection, if the Panel shall establish that the public authority objection was founded, it will amend its proposal and send it back immediately to the public authority.

While reconsidering the objection, if the Panel shall establish that the public authority objection was unfounded, it will send back the unchanged proposal to the public authority, along with the explanation including the reasons for rejecting the objection of the public authority, and the public authority shall be obliged to adopt the decision in accordance with the proposal without delay, no later than 8 days from the day of the delivery of the returned proposal.

The decision referred to in paragraph 2 of this Article shall be final and an administrative dispute may be initiated against it.

The decision on the allocation of funds, documentation referred to in Article 24a of this Law, and the objection from paragraph 4 of this Article, including all documents pertaining to those objections, shall be published on the website of the authority that published a call for project proposals, in the same section the call for proposals was announced, and it shall be sent electronically to each participant in the public competition, without delay.

The decision referred to in paragraph 2 of this Article shall be the grounds for awarding a contract to the applicant who has been granted the funds for the co-financing of project activities.

### **Evaluating Completed Competitions**

#### **Article 25a**

At least once a year, public authority shall review all completed competitions and evaluate them.

In addition to internal evaluation from paragraph 1 of this Article, public authority may hire domestic or foreign legal and natural persons who are experts regarding the media competitions for realisation of public interest in public information, who will for the purpose of public authorities' needs carry out an independent evaluation of completed competitions in one calendar year (external evaluation).

Public authority shall publish evaluations of all completed competitions on its website, no later than 30 June of the current year from competitions realised in the previous year.

### **Report on Implemented Project Activities**

#### **Article 26**

A narrative report and a financial report on the implemented project activities shall be submitted to the authority that passed a decision on the allocation of funds, in accordance with contractual obligations.

In addition to the report referred to in paragraph 1 of this Article, proof of the realisation of the project shall be submitted.

At least once a year, or at minimum once in three years for multiannual projects, the public authority shall review narrative and financial reports and evaluate the project realisation (internal evaluation), and this evaluation shall become an integral part of the analysis referred to in Article 16b of this Law.

The public authority, in addition to internal evaluation referred to in paragraph 3 of this Article may hire domestic or foreign natural and legal persons with expertise in relation to media content for realisation of public interest in the field of public information, who will carry out independent evaluation of the projects realisation for the public authority, that were realised during the calendar year (external evaluation), and this evaluation shall be an integral part of the analysis referred to in Article 16b of this Law.

The public authority shall procure the services referred to in paragraph 4 of this Article in line with provisions regulating the public procurement, or in line with provisions regulating the public call for proposals (in particular the call for co-financing projects for organisation and participation in expert, scientific and appropriate gatherings as well as improvement of professional and ethical standards in the field of public information).

The public authority will publish the internal and external evaluations of the projects on its website, no later than 31 March of the current year for the projects realised in the year before.

Provisions of this Article shall be applied accordingly to the evaluation of the accomplishment of the call for proposals goals' that are announced for the projects of organisation and participation in expert, scientific and appropriate gatherings as well as professional education and improvement of professional and ethical standards in the field of public information from Article 18 para. 1 point 2) of this law and the evaluation of the goals' accomplishment will be published publicly on the public authority website.

The ministry responsible for public information affairs shall regulate in detail the manner of drawing up and submitting narrative and financial report referred to in paragraph 1 of this Article, the manner of considering those reports and adopting evaluations of project realisation, the methodology of carrying out internal and external evaluation, the criteria to be met by a person referred to in paragraph 4 of this Article, protection of professional secret when externally evaluating the project, as well as other matters relevant for implementing internal and external evaluation.

## **Allowances**

### *Article 27*

The funds earmarked for the allowances referred to in Article 17 hereof shall be allocated by the decision of the manager of the authority responsible for public information affairs, and it shall be made without a public competition.

The conditions and procedure for the allocation of funds for allowances shall be subject to Articles 21, 22, 23, 25 and 26 hereof.



## **Other Rules Concerning the Provision and Allocation of Funds**

### Article 28

The ministry responsible for public information affairs shall regulate in detail the co-financing of projects for the realisation of public interest in the public information sector and provide application forms and templates for the narrative and financial reports.

The application form must contain the information about whether the applicant has already used public funds for the same project.

## IV. MEDIA

### **The Term of Media**

#### Article 29

Media are means of public information using words, images and/or sounds to convey editorially shaped information, ideas and other content intended for public distribution and for an indefinite number of recipients.

For the purpose of this Law, media are, in particular, dailies and periodicals, news agency services, radio and television programmes and the electronic editions thereof as well as independent electronic editions (editorially shaped websites or Internet portals), entered in the Media Register in accordance with this Law.

Media do not have legal person status.

#### Article 30

For the purpose of this Law, media are not: books, films, carriers of audio or audio-visual content, scientific and technical magazines intended primarily for the information and education of specific groups of professionals, other printed publications, catalogues exclusively containing notifications, classifieds, commercial advertisements and information intended for the market or bulletins and similar publications intended for internal and external information, electronic publications of state authorities and organisations, institutions, public enterprises and companies, entrepreneurs and associations thereof, official gazettes, printed material such as leaflets, posters and similar means of public information, other publications defined under legislation governing publishing, or Internet browsers or aggregators.

For the purpose of this Law, media are not: platforms such as Internet forums, social networks and other platforms enabling free exchange of information and ideas of their members, or any other independent electronic publication such as blog, website and similar electronic presentations unless they are entered in the Media Register, in accordance with this Law.

#### Article 31

Any newspaper with a distinct name is considered a single media outlet.

All editions of one newspaper issued under the same name are considered a single media outlet.

Any individual radio or television programme is considered a single media outlet regardless of how it is distributed.

Every news agency service distributed separately is considered a single media outlet.

Any independent electronic edition is considered a single media outlet.

## **Media Publisher**

### Article 32

A media publisher may be any natural or legal person.

Only a non-profit organisation may be a publisher of the civil sector media (association, endowment, foundation, church or religious community).

Both natural and legal persons, who are media publishers, must be registered with the competent authority of the Republic of Serbia for the activity they perform.

The legal person referred to in paragraph 1 of this Article may be established by any domestic or foreign natural or legal person, in accordance with the law.

The legal person referred to in paragraph 1 of this Article may not be established, directly or indirectly, by the Republic, autonomous province and local self-government, or institution, company or other legal person that is entirely or partly publicly owned, or which is entirely or partly funded from public revenue, except as provided in Article 16, paragraph 1, item 1) - 3) hereof.

### Article 33

The right to publish media is subject to legal transaction.

A change of publisher shall be entered in the Media Register in accordance with this Law.

The change of publisher referred to in paragraph 2 of this Article shall take effect for third parties on the day the change is entered in the Media Register.

The legal transaction referred to in paragraph 1 of this Article shall be entered into in writing.

The right to change an electronic media publisher shall be governed by the law governing electronic media.

## **Media Content Producer**

### Article 33a

The media content producer shall be a person other than a media publisher whose activity is to produce content meant for publication in media.

The media content producer may be any natural or legal person.

Both natural and legal persons, who are media content producers, must be registered with the competent authority of the Republic of Serbia for the activity they perform.

The legal person referred to in paragraph 2 of this Article may be established by any domestic or foreign natural or legal person, in accordance with the law

The legal person referred to in paragraph 2 of this Article may not be established, directly or indirectly, by the Republic, autonomous province and local self-government, or institution, company or other legal person that is entirely or partly publicly owned, or which is entirely or partly funded from public revenue.

## V. IMPRINT, IMPRINT SUMMARY AND IDENTIFICATION

### **The Obligation to Publish**

#### Article 34

Every media outlet must display basic information about itself in the form of imprint, imprint summary or identification.

### **Content**

#### Article 35

The imprint shall contain: the name of the media outlet, the name and the address of the publisher, the e-mail address or website, full names of the editor-in-chief and editors-in-chief responsible for specific issues, sections or programme units, information about the responsible regulatory and/or supervision bodies and the registration number of the media outlet.

In addition to the information referred to in paragraph 1 of this Article, the imprint of the provider of audio-visual media services must contain the date when the programme is broadcasted, the time when the imprint is broadcasted, the frequency symbols and the TV channel where the programme is broadcasted, whilst a news agency imprint must contain the date when the information is sent.

A newspaper imprint summary shall show the name and the date of the issued newspaper.

An identification of a television programme shall show the characteristic symbol of the audio-visual media service or television programme.

An identification of a radio programme shall contain the title of the radio programme and the radio frequency on which the programme is broadcasted.

An imprint summary for a news agency shall contain the name of the service and the date when the information is sent.

Independent electronic edition undertakes to specify the date of publishing the information with the published content.

### **Publishing the Imprint**

#### Article 36

The imprint shall be shown in full and visibly and it shall be clearly separated from the other content of the media outlet.

A newspaper imprint and the imprint summary shall be put on every issue and of every copy of the newspaper.

A newspaper imprint summary shall be placed on the margin of every page.

A television or radio programme imprint shall be broadcasted at the beginning and at the end of the programme, every day when the programme is broadcasted, and if the programme is broadcasted continuously, every day between midnight and 2 a.m.

The identification of a television programme shall be broadcasted for the entire duration of the programme.

The identification of a radio programme shall be broadcasted at least once in two hours for the duration of the programme.

A news agency imprint shall be published at least once a day.

An imprint summary of a news agency shall be published with every published piece of information.

The imprint, imprint summary and identification of other media shall be published in an appropriate manner, in accordance with the provisions hereof.

## VI. PUBLIC AVAILABILITY OF INFORMATION ABOUT THE MEDIA AND MEDIA REGISTER AND RECORDS OF THE MEDIA CONTENT PRODUCERS

### **Media Register and Records of the Media Content Producers**

#### Article 37

The Media Register (hereinafter: Register) and Records of the media content producers (hereinafter: Records) shall be kept by the Serbian Business Registers Agency (hereinafter: Agency) in accordance with the law governing the legal status of the Agency, the law governing the procedure of registration with the Agency and in accordance with this Law.

### **The Purpose of the Register and Records of the Media Content Producers**

#### Article 38

The purpose of the Media Register and Records is to provide public availability of the information about the media and media content producers.

### **The Content of the Register and Records and Subject of Registration and Maintaining Records**

#### Article 39

The following information shall be entered in the Register:

- 1) Name and registration number of the media outlet referred to in Article 29 hereof;
- 2) Full name and JMBG (Unique Master Citizen Number) of a natural person who is the editor-in-chief of the media outlet or, where a foreign person is editor-in-chief, the passport number and the country where the passport was issued;
- 3) Media Service Licence Number for electronic media;
- 4) Information about the language in which the media outlet is issued or in which the media service is provided;
- 5) Information on the Internet, electronic and other formats of the media;
- 6) Website, where the media is exclusively distributed via the Internet;
- 7) Business name/title, address and Company Number of the media publisher/provider of media service;
- 8) Document containing the information about the natural and legal persons who directly or indirectly have more than 5 % share in the authorised share capital of the publisher, the information about associated persons as defined under the law governing the legal status of companies, and the information about other publishers in whose authorised share capital these persons have more than 5 % share;
- 9) Information on the amount of funds granted to the media outlet as state aid, in accordance with the Law;
- 10) Information on the amount of funds received from public authorities where public authorities shall mean public authorities, autonomous province authorities, local self-government authorities, organisations vested with public powers, and legal persons founded or funded, fully or mostly, by the Republic of Serbia, autonomous province, and local self-government unit (hereinafter: public authority), or a company in which the public authority has a significant share in the authorised share capital, within the meaning of the law governing the legal status of companies, based on grounds other than those mentioned in point 9) hereof, including donations, gifts, sponsorship, tax exemptions and financial incentives, media services pursuant to application of regulations in public procurement, service of free rent that public authorities provide for media publishers, public advertising and public announcement, as well as any other allowances provided by these persons for the media publishers;
- 11) Information on the average media circulation sold in a calendar year;
- 12) Information on the number and gender structure of employees or otherwise hired persons with the media publisher, and information on the number and gender structure of employees or otherwise hired persons for tasks directly related to publishing of media content (editors, journalists and other persons hired for publication of media content);
- 13) Other documents based on which the registration was done;
- 14) Date and time of registration;
- 15) Changes in the registration information;
- 16) Date and time of changes in the registration data.

The following information shall be entered in the Records of Media Content Producers:

- 1) Business name, seat and registration number of the media content producer;
- 2) Document containing the information about the natural and legal persons who directly or indirectly have more than 5 % share in the authorised share capital of the media content producer, the information about associated persons as defined under the law governing the legal status of

companies, and the information about other publishers or other producers of media content in whose authorised share capital these persons have more than 5 % share;

3) Information on the amount of funds granted to the media outlet as state aid, in accordance with the provisions hereof;

4) Information on the amount of funds allocated to the media content producers from public authorities where public authorities shall mean public authorities, autonomous province authorities, local self-government authorities, organisations vested with public powers, and legal persons founded or funded, fully or mostly, by the Republic of Serbia, autonomous province, and local self-government unit (hereinafter: public authority), or a company in which the public authority has a significant share in the authorised share capital, within the meaning of the law governing the legal status of companies, based on grounds other than those mentioned in point 3) hereof, including donations, gifts, sponsorship, tax exemptions and financial incentives, media services pursuant to application of regulations in public procurement, service of free rent that public authorities provide for media content producers, public advertising and public announcement, as well as any other allowances provided by these persons for the media content producers;

5) information on the number and gender structure of employees or otherwise hired persons with the media content producers, and information on the number and gender structure of employees or otherwise hired persons for tasks directly related to media content production;

6) Other documents based on which the registration was done;

7) Date and time of registration;

8) Changes in the registration information;

9) Date and time of changes in the registration data.

The document referred to in paragraph 1 point 8) and paragraph 2 point 2 of this Article shall contain the name/commercial name, address and Company/Registration Number of the legal person, full name and JMBG of the domestic natural person or the passport number and the country where the passport was issued of the foreign natural person, and their respective shares in the management rights, in percentages.

The applicant for the registration of the information referred to in paragraph 1 points 9) and 10) of this Article is a public authority, or a company where a significant share in the share capital, within the meaning of the law regulating the legal position of companies, is owned by the public authority. The application shall at least contain the following data: name of the media publisher who received the funds, public authority name, or business name, seat and registration number of the company in which the public authority has a significant share in the authorised share capital, amount of funds allocated, indication of the grounds for allocating the funds (tax exemptions and financial incentives, media services pursuant to application of regulations in public procurement, service of free rent that public authorities provide for media publishers, public advertising and public announcement, as well as any other allowances for media publishers), types of act as the basis for allocation of funds (decision, act, contract, etc.), number of the act and its date of adoption, documentation corroborating the data and other relevant data.

In submitting application for data records referred to in paragraph 2 points 3) and 4) hereof, the applicant shall mean public authority, and/or a company in which the public authority has a significant share in the authorised share capital, within the meaning of the law governing the legal status of companies. The application shall at least contain the following data: name of the media publisher who received the funds, public authority name, or business name, seat and registration

number of the company in which the public authority has a significant share in the authorised share capital, amount of funds allocated, indication of the grounds for allocating the funds, number of the act and its date of adoption, documentation corroborating the data and other relevant data.

Information on the funds referred to in paragraph 1 points 9) and 10) and paragraph 2 points 3) and 4) hereof, shall be reported to the Media Register and/or Records of the Media Content Producers by the authority responsible for state aid control in accordance with regulations governing the state aid, and/or authority responsible for managing Public Procurement Portal in accordance with regulations governing public procurement, no later than 15 days from the day that information concerned become available to the authority responsible for state aid control, and/or available at the Public Procurement Portal.

Information on average realised circulation referred to in paragraph 1 point 11) and 12) hereof, shall be reported to the Register by 31 March of the current year for the previous calendar year.

The ministry responsible for public information affairs shall regulate in detail the manner of publishing the information subject to registration.

### **Changes in Registered Information and Documents**

#### Article 40

Changes in registered information shall be entered in the Register, and/or Records, within 15 days of the day the change occurred.

In the event of incongruity of data published in the imprint and data registered in the Register, the data from the Register shall be considered valid.

### **Deletion of Media from the Register**

#### Article 41

A media outlet shall be deleted from the Register following the publisher's notice.

The registrar, acting in official capacity, shall delete the media outlet from the Register:

- 1) Based on a decision of the responsible authority referred to in Article 47 hereof;
- 2) Following the deletion of the publisher from the register where he was entered into;
- 3) Upon the termination of the licence validity for providing media services for electronic media.
- 4) For any other reason prescribed under a special law.

The media content producer shall be deleted from Media Content Producers Records based on the report from the legal representative.

The registrar shall delete *ex officio* the media content producer from Media Content Producers Records upon deletion of the media content producer from the register of its registration.

### **Decision on Registration and Record Maintenance**

#### Article 42

The decision of the registrar who keeps the Register (hereinafter: registrar) and Records is final and an administrative dispute may be initiated against it.

### **Registrations and Records Documents**

#### Article 43

The ministry responsible for the public information sector shall prescribe the documents to be submitted when registering a media outlet and maintaining records.

### **Consequences of Failure to Register**

#### Article 44

The Republic of Serbia, Autonomous Province and a local self-government unit, as well as an institution, a company or another legal person whose majority shareholder is the state or which is entirely or predominantly funded from public revenue, may not co-finance projects of or in any other way allocate state aid to a media outlet or a publisher not entered in the Media Register, and/or media content producer not entered in the Records of Media Content Producers.

The Republic of Serbia, Autonomous Province and a local self-government unit, or an institution, company or another legal person whose majority shareholder is the state or which is entirely or predominantly funded from public revenue may not advertise in or use other services of the media, and/or media content producers referred to in paragraph 1 of this Article.

## **VII. PROTECTION OF MEDIA PLURALISM**

### **Prohibition of Violation of Media Pluralism**

#### Article 45

In order to prevent the occurrence or strengthening of a predominant influence in the public information sector – which considerably restricts media pluralism – it is forbidden to merge the following:

– - Founding and management rights of two or more publishers of the daily newspapers publishing information from all areas of social life whose total annual circulation exceeds 50 % of sold or in another way realised newspaper circulation on the territory of the Republic of Serbia in a calendar year preceding the year of merging;



– Founding and management rights of two or more publishers of printed media that publish information for all aspects of social life, regardless of the dynamics of publishing, whose total annual circulation exceeds 50 % of sold or in another way realised circulation of relevant printed media in the relevant market smaller than national, in a calendar year preceding the year of merging;

– - Founding or managerial rights of two or more publishers that provide audio and/or audio-visual services, if the total ratings shares exceed 35% of the total rating within their zone of coverage, and/or in relevant national, regional or local market in the calendar year preceding the merger.

Relevant market within the meaning of this law shall be territory where publishers issue the printed media publishing information from all areas of social life, or provide audio and/or audio-visual services, with the same or similar competition requirements, which are highly different from competition requirements in neighbouring territories.

When establishing relevant market, the prescribed criteria for determining geographic market shall be taken into consideration in accordance with the law governing the competition protection.

Merging of founding and/or management rights, means having a decisive influence on how the business is run in two or more publishers, especially in the capacity of controlling (parent) company, or controlling member or shareholder, based on the property or other ownership rights pertaining to a property or part thereof, based on the rights stemming from a contract, agreement or securities, based on claims or negotiable instruments or in accordance with business practice.

Paragraphs 1 and 2 of this Article are without prejudice to the provisions of the law governing protection of competition.

#### Article 46

is forbidden to acquire over 50 % of share in the authorised share capital between a publisher of a daily newspaper that publishes information from all areas of social life whose average realised circulation exceeds 50,000 copies annually, and a publisher that provides audio or audio-visual media services.

It is forbidden to acquire over 50 % of share in the authorised share capital between a publisher of printed media publishing information from all areas of social life, regardless of the publishing dynamics, and publisher providing audio and/or audio-visual services in the same relevant market smaller than national.

A person that, apart from the activity of media publishing, also deals in the distribution of media content shall be obligated to carry out their media publishing activities through an affiliated legal person.

An affiliated legal person within the meaning of this law are the persons that are affiliated in such a way so that one or more of them have the possibility of defining influence on the management of operations of the other legal person or other legal persons, and especially influence that arises from:

1) the role of controlling (parent) company, i.e., controlling member or shareholder, independently or through joint activity, according to the rules on affiliated companies within the meaning of the law that governs the positions of companies;

- 2) ownership or other kind of rights to property or part of property of another legal person;
- 3) a contract, agreement, or ownership rights to securities;
- 4) accounts receivable, security means, or business practice terms whose holder is or that are determined by a controlled person.

Person referred to in paragraph 3 hereof, shall undertake to draw up and publish a standard offer for distribution of third party publishers' media content.

The ministry responsible for public information affairs shall regulate in detail the minimum content, level of detail and manner of announcing the standard offer referred to in paragraph 5 hereof.

### **Identifying a Threat to Media Pluralism**

#### Article 47

A threat to media pluralism in case of printed media shall be identified by the ministry responsible for information, and if there is merging or cross-acquisition of shares, where at least one electronic media outlet is involved, the threat shall be identified by an independent regulatory body, in accordance with the law regulating electronic media.

The ministry responsible for information shall initiate the procedure referred to in paragraph 1 of this Article following a report of an interested party.

Where the ministry referred to in paragraph 2 of this Article, has established that media pluralism has been threatened, it shall notify the publisher about it and order that proof of the actions taken in order to remove the causes of threat to media pluralism be submitted within six months of the day of receipt of the notification.

The ministry referred to in paragraph 2 of this Article, acting in official capacity, shall inform the Registrar about the notification issued to the publisher.

If the publisher of a printed media fails to act in accordance with the notification referred to in paragraph 3 of this Article, the Registrar shall, in accordance with the decision of the ministry, delete the media outlet in question from the Register.

## **VIII. EDITORS, JOURNALISTS, PROFESSIONAL JOURNALIST ASSOCIATIONS AND FOREIGN MEDIA REPRESENTATIVES**

### **Editors**

#### Article 48

A media outlet must have editor-in-chief.

The editor-in-chief of a media outlet has the capacity of the editor responsible for that media outlet.

An editor responsible for a specific issue, section or programme unit shall be responsible to the editor-in-chief for the content he or she edits.

A person enjoying immunity from liability shall not be an editor-in-chief.

A person whose place of residence is on the territory of the Republic of Serbia shall be appointed editor-in-chief.

### **Journalist's Right to Publish Statements and Right to Express Views and Opinions**

#### Article 49

A journalist's employment may not be terminated, or his/her salary or work compensation reduced, or he/she shall not be put in an adverse position in any other way because he/she has published a true statement or expressed his/her opinion in ~~a public media outlet~~ a media outlet, or because he/she has expressed his/her opinion outside the media as his/her personal point of view.

### **Journalist's Right to Refuse to Comply with an Order**

#### Article 50

A journalist is entitled to refuse to comply with the editor's order if by following the order he/she would break the law, code of conduct and journalism ethics and standards.

### **Journalist's Right to the Authenticity of the Story**

#### Article 51

Where the sense of a journalist's story has been altered in editing, such story may not be published under the journalist's name without his/her consent.

### **Protection of Sources**

#### Article 52

There is no obligation for a journalist to reveal the source of information, except where the information refers to a criminal act or a perpetrator of a criminal act for which a sentence of imprisonment of at least five years is prescribed by law and if the information cannot be obtained in any other way.

### **Freedom of Professional Association**

#### Article 53

Journalists may freely found their professional associations, in accordance with the law governing associations.

### **Right to Associate in a Court Proceeding**

#### Article 54

A professional journalist association shall have a legal interest in interfering with a labour dispute involving a member of such association, provided that he/she does not object to it.

### **Foreign Media Representatives and Foreign Correspondents**

#### Article 55

Foreign media outlet representative (editors, journalists, photo-reporters, camera operators and other assistants) and foreign correspondence office shall have the same rights and obligations in their work as domestic editors, journalists and other assistants and media.

In order to facilitate the work pertaining to journalist profession, foreign media representative and foreign correspondence office may register in the Register of Foreign Media Representatives and Correspondents kept by the ministry responsible for information, based on which they shall be issued appropriate identifications.

A foreign correspondence office, as an organised representative office of a foreign media outlet, shall gain legal person status after it has been entered in the register.

The ministry responsible for information shall regulate in detail the manner in which the register is kept and the identifications referred to in paragraph 2 of this Article are issued.

## **IX. DISTRIBUTION OF MEDIA AND MEDIA CONTENT**

### **Freedom of Distribution**

#### Article 56

Distribution of domestic and foreign media and media content is free.

### **Distribution of Media without Imprint**

#### Article 57

A distributor is entitled to refuse the distribution of a media outlet without the imprint.

In case of dispute on account of information published in a media outlet that the distributor has agreed to distribute without the imprint, the liability shall also lie with the distributor.

### **Prohibition of Refusal to Distribute**

#### Article 58

A person that deals in media distribution cannot refuse media distribution by implementing unequal distribution conditions between different participants in the media market, and it cannot in another manner significantly limit, violate, or prevent competition in the relevant media market in the territory of the Republic of Serbia, in accordance with the provisions of the law that governs the protection of competition.

A publisher of the media the distribution of which has been suspended entirely or in the most part due to a violation referred to in paragraph 1 of this Article is entitled to demand compensation for the damage incurred before the competent court.

The compensation for the damage incurred due to the breach of provision of Article 1 shall be determined taking into account, in particular, the value of the unsold circulation or of the ratings as well as the value of the sold advertising space in the unsold circulation or in an audio or audio-visual media service that has not been rendered.

The complaint referred to in paragraph 2 of this article shall be dealt with in an emergency procedure.

In the procedure referred to in paragraph 2 of this Article, at the motion of the media publisher, the competent court shall impose an interim order obliging the media distributor to continue with the distribution of the media until the legally binding completion of court procedure.

The court shall pass a decision on the motion referred to in paragraph 5 of this Article within eight days of the day of receipt of the motion and shall immediately send the decision to the media publisher, editor-in-chief and the media distributor.

## **Prohibition of Distribution of Information or Other Media Content**

### Article 59

At the motion of the competent public prosecutor, the competent court may prohibit the distribution of information or another media content (hereinafter: information) if this is necessary in a democratic society and if the information calls for:

- 1) an act of direct violent overthrow of constitutional order;
- 2) an act of direct violence towards a person or a group of people based on their race, nationality, political affiliation, religion, sexual orientation, disability or other personal characteristic, and if the publication of the information poses an immediate threat and has an incorrigible effect which cannot be stopped in any other way.

## **Motion for Prohibition**

### Article 60

A motion to prohibit the distribution of the information (hereinafter: motion for prohibition) shall be made by the public prosecutor.

In the motion for prohibition, the public prosecutor may request that the distribution of the information referred to in Article 59 hereof be prohibited and that the copies of the newspaper containing the information be seized if the purpose of the prohibition can be achieved only in this way, and that the dissemination of the information via another media be prohibited.

## **Interim Prohibition**

### Article 61

At the motion of the competent public prosecutor, the competent court may pass a decision to prohibit the distribution of information temporarily, until the legally binding decision regarding the prohibition is made.

The court decides on the motion referred to in paragraph 1 of this Article within six hours of the moment the motion was made.

The competent court shall immediately deliver the decision on the interim prohibition to the publisher, the editor-**in-chief**, the distributor and the printing house.

The competent court shall order the ministry that has jurisdiction over internal affairs to prevent distribution of information based on the decision under paragraph 1 of this Article.

## **Hearing**

### Article 62

The hearing concerning the motion for prohibition shall be held within 24 hours of the moment of receipt of the motion.

The hearing referred to in paragraph 1 of this Article may be also held in the absence of the duly subpoenaed parties, about which the parties shall be explicitly informed in the subpoena.

## **Decision on the Motion for Prohibition**

### Article 63

The court shall make a decision on the motion for prohibition immediately after the hearing, and the chair judge shall announce it without further delay.

The decision shall be made in writing and the authenticated copy thereof shall be presented to the parties within three days of its announcement.

## **Rejection of Motion for Prohibition**

### Article 64

In the decision rejecting the motion for prohibition, an order to temporarily disable the distribution of the information referred to in Article 61 paragraph 1 hereof shall be repealed.

The appeal of the competent public prosecutor about the decision referred to in paragraph 1 of this Article shall not postpone its enforcement.

## **Compensatory Damages**

### Article 65

If the court rejects the motion for prohibition, the publisher is entitled to damages to cover the cost of the unjustified interim prohibition.

### **Appealing against the Decision of the Civil Court of First Instance**

#### Article 66

An appeal against the decision of the civil court of first instance on the motion for prohibition shall be lodged within three days of the day of receipt of the copy of the decision.

The appeal shall be sent to the opposing party for response.

The court of first instance shall send to the court of second instance a timely and granted appeal, along with all the documents, within two days of the day of receipt of the complaint.

The court of second instance may subpoena and hear the parties.

The court of second instance shall decide on the appeal within three days of the day of receipt of the appeal and the documents.

### **Appropriate Application of the Rules of Criminal Procedure**

#### Article 67

Unless prescribed otherwise hereunder, the provisions of the law governing criminal procedure shall apply to the procedure of prohibition of distribution of information as appropriate.

## **X. TEMPORARY SAFEKEEPING OF MEDIA RECORD AND THE RIGHT TO ACCESS TO MEDIA RECORD**

### **Publisher's Obligation**

#### Article 68

The publisher shall keep a copy of the media record (hereinafter: record), i.e. a copy of:

- 1) The newspaper (a copy of every edition) – six months after the day it was published;
- 2) Independent electronic edition - six months after the day it was published;
- 3) A recording of a broadcasted radio or television programme six months after the day it was broadcasted;
- 4) Any other record for 30 days after the day it was published.

### **The Right to Access and the Right to a Copy**

#### Article 69

The publisher shall make the records available and present their copies upon request of the court, another responsible state authority, a regulatory body responsible for electronic media or an

interested party, without delay, and no later than three days of the day of receipt of the written request.

The publisher shall not be obliged to make the records or their copies available upon the request of a party if they had sent the electronic link to the interested party to take over the records in original form free of charge.

### **Exercising the Right to Access**

#### Article 70

The access to the record shall be organised at the premises of the publisher on a specific day during office hours.

In the event that a person cannot access the record unassisted, such person shall be allowed to view the record with an assistant.

### **Fee**

#### Article 71

The inspection of the record shall be free of charge.

If a copy of the record needs to be made a fee covering the cost of copying may be charged, including the cost of delivery.

A copy of the record shall be made and delivered free of charge where such copy is requested by a court of law, responsible state authority or a regulatory body responsible for electronic media, provided that the request is connected with the work falling under their responsibilities.

### **Abuse of the Right to Access Media Record**

#### Article 72

Publisher has a right to refuse a request to access and make a copy of record if the person requesting it is abusing their right and especially if they apply to access a record unreasonably frequently or if they repeat their request to view the same record or a record they have already been given, and/or record that is available free of charge in its integral form at the electronic link the publisher sent to the interested party.

## **XI. SPECIAL RIGHTS AND OBLIGATIONS PERTAINING TO PUBLIC INFORMATION**

### **Presumption of Innocence**

#### Article 73

With a view to protecting human dignity and independence, reputation and impartiality of the court or other competent authority, the media may not qualify anyone as the perpetrator of a



punishable offence or proclaim a person guilty of or responsible for an offence prior to a final ruling passed by a court.

### **Publishing Information in Connection with Criminal Procedure**

#### Article 74

The information from ongoing criminal procedure may be published only if presented on the main hearing or if received or may have been obtained from the public authority on the basis of the law governing the access to the information of public importance.

### **Prohibition of Hate Speech**

#### Article 75

Ideas, opinions or information published in the media shall not incite discrimination, hate or violence against an individual or a group of individuals on grounds of their race, religion, nationality, sex, or their sexual orientation or other personal inclination, notwithstanding whether a criminal offence has been committed by such publication.

### **Exemption from Responsibility**

#### Article 76

No breach of prohibition of hate speech shall be invoked if the information referred to in Article 75 hereof is a part of a journalistic text that has been published:

1) without the intent to incite discrimination, hate or violence against an individual or a group of individuals referred to in Article 75 hereof, especially if such information is a part of an objective journalistic report;

2) with the intent to provide a critical view of the discrimination, hate or violence against an individual or a group of individuals referred to in Article 75 hereof, or of occurrences that constitute or might constitute incitement of such behaviour.

### **Protection of Minors**

#### Article 77

With a view to protecting free character development of minors, the particular consideration must be taken that the content and manner of distribution of the media do not impair the moral, intellectual, emotional and social development of minors.

### **Prohibition on Public Display of Pornography**

#### Article 78

Printed media with pornographic content shall not be publicly displayed in a manner making it accessible to minors.

Printed media with pornographic content shall not contain pornography on the front or back cover pages and it must include a visible warning that it contains pornography, as well as a warning that it is not intended for minors.

Provisions of a separate law governing the electronic media shall apply to pornographic content in audio and audio-visual media and the content distributed via the Internet.

## XII. PERSONAL INFORMATION

### **Personal Dignity and Right to Authenticity**

#### Article 79

Personal dignity (honour, reputation or piety) of the persons that the information refers to shall be legally protected.

It is not allowed to publish information that violates a person's honour, reputation or piety, or portrays a person untruly by assigning him/her features or characteristics that he/she does not have or denying him/her features or characteristics that he/she does have, unless the interest for publishing information prevails over the interest of the protection of dignity and right to authenticity, and particularly if it does not contribute to the public debate on an occurrence, an event or a person that the information refers to.

Dignity of a victim of violence shall not be violated by showing or describing the scene of violence in the media or media content.

Depicting a person in caricature, satire, collage or other similar form shall not be deemed the violation of dignity or the right to authenticity.

### **Private Life and Personal Records**

#### Article 80

Information regarding private life or personal records (letter, diary, note, digital record, etc.), recording of images (photographs, drawings, film, video, digital, etc.) and audio recordings (tape-recordings, gramophone records, digital, etc.), shall not be published without the consent of the person whose private life the information refers to, or of the person whose words, image or voice it contains, if such publication can lead to the reveal of that person's identity.

A minor shall not be made recognisable in the information that may violate his/her right or interest.

The consent shall also be needed for the live transmission of image or voice via television, radio, etc.

Information and records referred to in paragraph 1 of this Article shall not be published without the consent of the person they refer to, if such publication would violate that person's right to privacy or any other right.

The consent granted to one publication, to a specific manner of publication or to publication for a specific purpose, shall not be deemed consent to repeated publication, to publication in a different manner or to publication for a different purpose.

## **Consent of Other Persons**

### Article 81

If the person referred to in Article 80 paragraphs 1, 2 and 4 of this Law is deceased, the consent shall be given by the spouse of the deceased, independently by his/her child having reached sixteen years of age, by his/her parents or brothers or sisters, by the legal person that the deceased participated in (official, member, employee) in the event the information or record refers to his/her activities in that legal person, or by the person authorised therefore by the deceased

Termination of a legal person shall not terminate the rights of the person that had participated in the legal person and that has been personally affected by the information or record.

It shall be deemed that consent has been granted in the event it has been granted by any of the persons listed in paragraph 1 of this Article, notwithstanding the refusal of other persons to grant it.

## **Exceptional Publication without Consent**

### Article 82

Private information or personal records may be exceptionally published without the consent of the person referred to in Articles 80 and 81 hereof if in a particular case the public interest to know the information or the record prevails over the interest to prevent publishing the information.

It is deemed that the public interest referred to in paragraph 1 of this Article prevails over the interest to prevent publishing the private information or personal records of a person, particularly if:

1) the person had intended the information or the record for the public or sent it to the media for publishing;

2) if the information, i.e., record pertains to a person, event, or occurrence that is of interest to the public, especially if it pertains to a holder of public office or political function.

3) the person has attracted the public attention by his/her statements or behaviour in private, family or professional life and therefore given rise to the publication of such information or record;

4) the information has been disclosed or the record made in a public parliamentary debate or a public debate in a parliamentary body;

5) publication is in the interest of judiciary, national security or public security;

6) the person did not object to the collection of information or the making of the record, although he/she was aware that this was done for publication purposes;

7) publication is in the interest of science or education;

8) publication is necessary to alert of a danger (prevention of a contagious disease, search for a missing person, fraud, etc.);

9) the record includes a multitude of persons or voices (fans, concert audience, protesters, passers-by, etc.);

10) it is the record of a public gathering;

11) the person is shown as part of landscape, natural setting, human settlement, square, street or a similar scene.

### XIII. REPLY TO INFORMATION AND CORRECTION OF INFORMATION

#### **Right of Reply**

##### Article 83

The person whom the information refers to and may breach his/her right or interest, may request from the editor-in-chief to publish free of charge a reply in which he/she claims the information is incorrect, incomplete or inaccurately conveyed.

If the editor-in-chief fails to publish the reply, having no reasons for not publishing the reply set out in this Law, or if he/she publishes the reply in an improper manner, the holder of the right of reply may file a claim against the editor-in-chief for the publication of the reply.

The proceedings for the publication of the reply shall be limited only to establishing the facts determined by this Law and regarding the obligation of the editor-in-chief to publish a reply.

#### **Right to a Correction**

##### Article 84

A person, whose right or interest has been violated by the publication of incorrect, incomplete or inaccurately conveyed information, may demand by a claim that the editor-in-chief publish free of charge his/her correction of that information as incorrect, incomplete or inaccurately conveyed.

A proceeding on the publication of a correction shall be limited to the fact of incorrect, incomplete or inaccurately conveyed information and to whether the information violated the plaintiff's right or interest.

#### **Other Persons' Right of Reply or Correction**

##### Article 85

If a person is incapable of looking after his/her own interests, the reply or claim for publishing the reply and claim for publishing the correction shall be submitted by the natural person's legal representative, or by an authorised body of the legal person.

A person participating in a legal person (member, official, employee) shall have the right of independent reply or correction if the published information refers to both the legal person and personally to the participant.

If the person to whom the information refers has deceased, the right of reply or correction may be exercised by the spouse, his/her children, parents, the legal person the deceased participated in if the information refers to his/her activities in the legal person, and other persons whose memory of the deceased may be or is offended by the publication of the information.

If the legal person to which the information refers has ceased to exist, the right of reply or correction shall be transferred to the participants in the legal person.

By the publication of reply or correction made by any person referred to in paragraphs 3 and 4 of this Article, the right of reply and correction of other persons shall cease when the requested reply and correction concerns the same part of the information.

### **Deadline for a Request to Publish a Reply**

#### Article 86

A request for the publication of a reply shall be submitted to the editor-in-chief within 30 days from the date of the publication of information in a daily newspaper or a daily radio and television programme, or 60 days from the publication of the information in a printed periodical or a periodical radio or television programme.

If the reply is submitted by a person who is permanently or temporarily residing abroad, the deadline for submission shall expire after 60 (sixty) days.

### **Deadline for Publishing a Reply**

#### Article 87

The editor-in-chief shall publish the reply without delay, not later than in the issue following the next issue of the daily newspaper or in the broadcast following the next daily broadcast upon the arrival of the reply.

If the information to which the reply is affiliated concerns a candidate in an election campaign, the reply shall be published in the next issue or in the next broadcast after the arrival of the reply.

### **Deadline for Filing a Claim for Failure to Publish a Reply**

#### Article 88

If the editor-in-chief fails to publish the reply, a claim for the failure to publish the reply shall be filed within 30 days from the day of expiry of the deadline for publication of the reply referred to in Article 87 hereof.

### **Deadline for Publishing a Reply on the basis of Court Ruling**

#### Article 89

If a court adopts the particulars of claim for publishing a reply, it shall order the editor-in-chief to publish the reply without delay, not later than in the issue following the next issue of the

daily newspaper or in the broadcast following the next daily broadcast upon the arrival of the court ruling ordering the publication of the reply.

If the information to which the reply is affiliated concerns a candidate in an election campaign, the reply shall be published in the next issue or in the next broadcast after the arrival of the court ruling ordering the publication of the reply.

### **Deadline for Filing a Claim for Publishing a Correction**

#### Article 90

A claim for the publication of a correction shall be submitted within 90 days from the date of the publication of information.

### **Deadline for Publishing a Correction**

#### Article 91

The editor-in-chief shall publish the correction without delay, not later than in the issue following the next issue of the daily newspaper or in the broadcast following the next daily broadcast upon the arrival of the court ruling the publication of the correction.

If the information to which the reply is affiliated concerns a candidate in an election campaign, the reply shall be published in the next issue or in the next broadcast after the arrival of the court ruling the publication of the correction.

### **Deadline in the Event of Death or Termination of a Legal Person**

#### Article 92

If the information refers to a person who has deceased or a legal person that has been terminated within the deadline envisaged for submitting a request for publishing a reply or a correction or the deadline envisaged for a claim for publishing a reply or a correction, the deadline shall be renewed from the time of death of a person or termination of a legal person.

### **Court Penalties and Material Appended to a Claim**

#### Article 93

A plaintiff may request that the court order to the defendant to publish a reply or a correction and threaten him/her that he/she will pay an appropriate fine to a plaintiff in case of failure to publish.

An issue or a copy of the printed media in which the information was published, or, if available, audio or video recording of a programme in which the information was published or broadcast, shall be enclosed with the claim.

### **Order to Submit an Audio or Video Recording**

#### Article 94

Upon receipt of the claim for publishing a reply or a correction and at the request of the court, the editor-in-chief of the media that published the information shall without delay submit to the court the audio or video recording of the programme.

#### **Submission of Multiple Replies**

#### Article 95

If an authorised person sends several replies differing in content within a deadline, either simultaneously or in succession, the editor-in-chief shall publish the one marked as reliable.

If no reply has been marked as reliable, the editor-in-chief shall publish the reply last received, and if the replies arrived simultaneously, he/she shall publish the one that is the most complete in terms of Article 83 paragraph 1 hereof.

#### **Principle of Equal Effectiveness of Information and Reply or Correction**

#### Article 96

The reply, or correction shall be published in the same category of the media, in the same edition, the same section, on the same page, with the same layout, or in the same segment of the TV or radio programme, as the original information which the reply or correction refers to and under the same title with the qualification 'reply' or 'correction'.

If the layout of the information which the reply or correction refers to contains illustrations (tables, photos, drawings, video recording, etc.), the reply or correction may also contain them.

The reply or correction shall be published integrally, except in the event that the information to which the reply or correction refers to was published in sequels and the scope of the reply or correction requires its publication in sequels.

If the programme that published the information to which the reply or correction refers was the only one or the last one in a series, the reply or correction shall be published in the programme most similar to the original one, or in the most similar time slot.

If the media that published the information to which the reply or correction refers has ceased to exist, the reply or correction shall be published in the similar media at the expense of the person who was the publisher or the editor-in-chief at the time of publication of the information to which that reply or correction refers or at the expense of a legal successor of the publisher.

If the same media published again the information to which a reply has already been published, it shall be emphasised at the same time that the reply was published, whose reply it was, when and where it was published, and the reply shall be published upon request.

If the same media publishes again the information of which a correction was published, it shall publish a correction at the same time.

If any other media publishes the information to which a reply or of which a correction was published, it shall publish the reply or correction upon request.

The reply or correction shall be published in the same language as the information replied to or corrected.

If the reply or correction has been written in a different language from the language in which the information being replied to or corrected had been published, the responsible editor-**in-chief** shall publish the reply or correction provided the holder of the right of reply or correction translates at his/her own expense the reply or correction into the language in which the information replied to or corrected had been published.

### **Ban on Amending or Commenting a Reply or a Correction**

#### Article 97

A reply or a correction shall be published without any modifications, omissions or additions.

Only the most essential proofreading amendments that do not alter the sense shall be allowed.

If a media publishes a reply or a correction it has beforehand wholly or partly modified, the editor-in-chief shall upon request publish the original text of the reply or correction, or the original parts of the reply or correction.

It is not allowed to comment on the reply or correction in the same issue of the printed media in which the reply or correction was published, or in the same programme in which it was broadcast, nor in other programmes broadcast on the same day the reply or correction was published.

### **Reasons for Not Publishing a Reply**

#### Article 98

The editor-in-chief shall not be obliged to publish a reply i.e. the court shall not order the editor-in-chief to publish a reply if:

1) the reply has been submitted by a person to whom the information does not personally refer or another unauthorised person;

2) a reply the same in content by an authorised person has already been published;

3) a reaction the same in content by an authorised person has already been published in the same media in another, equally valid form (an interview, statement, etc.);

4) a proceeding for the publication of a reply to the same information submitted beforehand has not yet been finished;

5) the authorised person fails to provide his/her name and address, i.e. name and seat in the request for a reply, and if he/she has not personally signed the reply or sent a special power of attorney in case that the reply was submitted by an attorney;

6) the reply does not refer to the information to which the submitter claims it refers;

7) the reply makes no reference to the information being replied to (title of the information, issue and page number of the media outlet in which it was published, name of the programme and time of broadcast, etc.) and the editor-in-chief cannot easily determine to which information it refers;



8) the reply refers to an opinion, not to an assertion of facts, or the reply does not contain an assertion of facts, but an opinion;

9) the reply does not dispute the correctness, completeness or accurate conveying of the information it refers to, or the reply refers to information which, even if incorrect, incomplete or inaccurately conveyed, is not likely to violate a person's rights or interests;

10) the reply has not been written in the language in which the information to which it refers was published nor has it been subsequently translated into that language;

11) the reply is disproportionately longer than the information to which it refers and the holder of the right of reply has failed to shorten it within the deadline for submitting a reply;

12) the reply has been submitted after the expiry of the deadline for submitting a reply;

13) the reply is illegible, incomprehensible or senseless, and has not been rectified within the deadline for submitting a reply;

14) the publication of the content of the reply may provoke a ban on the distribution of that information, criminal or civil law liability;

15) a correction of the same information to which reply refers, has already been published or the effect that was to have been achieved by the publication of the reply has already been achieved, unless a repeated publication of the information is at issue;

16) the correctness, completeness or accurate conveying of the information to which the reply refers is obvious, generally known or established by a final decision of a competent body;

17) the content of the information to which the reply refers is the same in content as the information authorised by the person requesting the publication of the reply;

18) the incorrectness, incompleteness or inaccurate conveying of the information to which the reply refers is such that it does not affect the correctness, completeness and accuracy of the information;

19) the reply refers to information stated in a public parliamentary debate or a public debate in a parliamentary body or in a court proceeding.

Reasons for the non-publication of a reply shall also apply to the non-publication of a part of the reply.

### **Informing of the Reason for Not Publishing a Reply**

#### Article 99

If a newspaper or a radio or television show are published or broadcast in intervals longer than 30 days, the editor-in-chief shall be obligated to – no later than seven days from the reception of the request for a reply publication – inform the request submitter about the reason due to which the publication of reply is refused.

### **Reasons for the Court Not to Order the Publication of a Correction**

#### Article 100

The court shall not order the editor-in-chief to publish a correction or a part of correction if the plaintiff fails to prove that the published information is incorrect, incomplete or inaccurately conveyed; if the information is incorrect, incomplete or inaccurately conveyed but the court finds it does not infringe the rights of the person to whom it refers; or, for any reason for the non-publication of a reply listed in Article 98 paragraph 1, items 1), 2), 4), 6)-18) hereof which accordingly apply to corrections.

#### XIV. OTHER FORMS OF JUDICIAL PROTECTION

##### **Content of the Particulars of Claim**

###### Article 101

If the publication of information or record violates the presumption of innocence, prohibition of hate speech, rights and interests of minors, ban of public display of pornographic content, right to personal dignity, right to authenticity or right to privacy, in accordance with the provisions hereof, it may be requested by a claim:

- 1) to identify whether the publication of information or record had violated a right or interest;
- 2) non-publication of information or record and ban from republishing of information;
- 3) to hand in a record, to remove or destroy a published record (delete a video recording, delete an audio record, destroy a negative, remove from publications, etc.).

##### **Standing**

###### Article 102

A person who is personally affected by the publication of information or record has the right to file a claim referred to in Article 101.

The right to file a claim referred to in paragraph 1 of this Article also pertains to a legal person engaged in the protection of human rights in case of violation of prohibition of hate speech and rights and interests of minors.

If the information or record refers to a particular person, the legal person referred to in paragraph 2 of this Article may file a claim only with a consent of the person to whom the information refers.

##### **Standing to be Sued**

###### Article 103

A claim referred to in Article 101 hereof shall be filed against the editor-in-chief of the media outlet in which the information or record was published.

##### **Temporary Prohibition to Republish Information**

###### Article 104

A person whose right may be violated by the publication of information or record referred to in Article 101 hereof, may request from the court to hand down an interim order until the enforceable decree has been entered at the latest, prohibiting the editor-in-chief from republishing the same information or record.

The plaintiff must prove the probability that there is a specific danger that the information or record will be published again and that the republication of information or record would violate his/her right or interest referred to in Article 101 hereof.

The court shall consider the motion to obtain an interim order without delay and not later than 48 hours from the submission of motion.

An objection to the decision on interim order shall be made within 48 hours after the receipt of the decision and the court shall decide on the objection within 48 hours.

### **Court Penalties**

#### Article 105

Following the claim referred to in Article 101 items 2) and 3) hereof and the proposal for interim order prohibiting republishing information referred to in Article 104 hereof, it may be requested from the court to threaten the editor-**in-chief** that he/she will pay commensurate financial compensation to the plaintiff in the event he/she acts against the court decision.

### **Enforcement of Other Provisions of This Law**

#### Article 106

The claims referred to in Article 101 hereof shall be subject to provisions of Articles 92, 93 paragraph 2 and Article 94 hereof.

## **XV. INFORMATION ON THE OUTCOME OF CRIMINAL PROCEEDINGS**

### **Right to Publish Information**

#### Article 107

If a media outlet published the information that criminal proceedings have been initiated against a certain person, that person shall upon completion of the proceedings have the right to request of the editor-in-chief to publish free of charge the information on the legal suspension of the proceedings, dismissal of the charges or acquittal.

If the editor-in-chief fails to publish the information on the legal suspension of the proceedings, dismissal of the charges or acquittal, and there is no reason for non-publication set forth in this Law, and if he/she publishes the information in an improper manner, the holder of the right may file a claim against the editor-in-chief for publication of information.

### **Deadline for Request Submission and Content of the Information**

#### Article 108

The request referred to in Article 107 hereof to the editor-in-chief within 30 days from the final completion of the criminal proceedings.

The information, the publication of which has been requested, shall contain only facts affiliated to the final completion of the proceedings and not an opinion and a comment affiliated to the original information.

#### **Deadline for Publishing the Information**

#### Article 109

The information referred to in Article 107 hereof shall be published without delay and not later than in the issue following the next issue of the daily newspaper or in the broadcast following the next daily broadcast upon the arrival of the request for its publication.

#### **Reasons for Not Publishing the Information**

#### Article 110

The editor-in-chief shall not be obliged to publish the information or a part of the information referred to in Article 107 hereof if:

- 1) its publication is requested by an unauthorised person;
- 2) the same media outlet has already published accurate, complete information identical in content on the completion of the criminal proceedings;
- 3) the authorised person fails to provide his/her name and address, or name and office in the request for publication;
- 4) the reply request makes no reference to the information being replied to and it cannot be easily determined to which information it refers;
- 5) the information contains only an opinion or a comment to the original information,
- 6) the information of the part of information on the final suspension of the proceeding, dismissal of the charges or acquittal is untrue;
- 7) the information of the part of information is inappropriately long and the applicant has failed to shorten it at the request of the editor-in-chief within 15 days of request;
- 8) the request for publishing the information has been submitted after the expiry of the deadline;
- 9) the publication of the content of the reply may provoke a ban on the publication of that information, criminal or civil law liability.

#### **Enforcement of Other Provisions of This Law**

#### Article 111

The publication of information on the outcome of criminal proceedings shall be subject to Articles 88, 89, 92- 94, 96 and Article 97 hereof.

## **XVI. COMPENSATORY DAMAGES**

### **Right to Compensatory Damages**

#### **Article 112**

A person referred to in the information that was prohibited to be published in accordance with this Law and who suffers damages because of the publication of information is entitled to damages to cover material and nonmaterial costs pursuant to general regulations and provisions of this Law, disregarding other means of legal protection available to him/her in accordance with the provisions hereof.

The right to compensatory damages referred to in paragraph 1 of this Article is also pertained to a person whose replay, correction or other information was not published although its publication was ordered by the competent court when that person suffers damages.

### **Liability of Journalist and Editor-in-Chief**

#### **Article 113**

A journalist or an editor-in-chief shall be liable for damage incurred due to the publication of information referred to in Article 112 paragraph 1 hereof, if proven that he/she is to blame for the damages.

### **Publisher's Objective Responsibility**

#### **Article 114**

A publisher shall be liable for damage incurred due to the publication of information referred to in Article 112 paragraph 1 hereof and for non-publication of information referred to in Article 112 paragraph 2 hereof, regardless of guilt.

### **Joint Liability**

#### **Article 115**

A journalist, an editor-in-chief and a publisher shall be jointly liable for damage incurred due to the publication of information referred to in Article 112 paragraph 1 hereof and for non-publication of information referred to in Article 112 paragraph 2 hereof.

Joint liability referred to in paragraph 1 of this Article does not refer to a journalist, an editor-in-chief and a publisher of another media outlet.

### **Exclusion of Liability**

#### **Article 116**

A journalist, an editor-in-chief and a publisher shall not be liable for damage if the information is:

- 1) accurately conveyed from a public parliamentary debate or a public debate in parliamentary body;
- 2) accurately conveyed from court proceedings in accordance with this Law;
- 3) accurately conveyed from a public gathering and a journalist acted with due diligence;
- 4) contained in a document of a public body to which the law governing free access to information of public importance is enforced to, and the public has a reasonable interest to have a knowledge about the information;
- 5) published in the live programme broadcast and a journalist acted with due diligence.

The Republic of Serbia, the Autonomous Province or a local self-government unit, depending on a public authority, shall be liable for damage caused by publishing incorrect or incomplete information obtained from the public body, regardless of guilt.

### **Amount of Compensatory Damages**

#### Article 117

When deciding on the amount of compensatory damages, the court shall particularly take into account:

- 1) if a plaintiff has tried to decrease the damage by other means of legal protection in accordance with the provisions hereof;
- 2) if a defendant obstructed the plaintiff to decrease the damage by publishing reply, correction or other information on the basis of court ruling.

### **Deadline for Claim for Compensatory Damages**

#### Article 118

A claim for compensatory damages shall be filed within six months of the day of publication of the information referred to in Article 112 paragraph 1 hereof or of the day when the defendant was obliged to publish the information referred to in Article 112 paragraph 2 hereof.

## **XVII. RIGHT TO SHARE IN PROFIT**

#### Article 119

A person whose personal dignity, authenticity or privacy was violated by published information or record, he/she shall have the right to file in a claim and demand from a publisher a share in profit earned by publishing the information or the record, in proportion to the contribution of the information or the record in the profit, regardless of other means of legal protection available to the person in accordance with the provisions hereof.

## XVIII. PUBLISHING COURT RULINGS

### Article 120

At the request of the plaintiff in proceedings initiated by claim referred to in Articles 101, 112 and 119 hereof, the court shall order to the editor-in-chief to publish at his/her expense a final ruling with no comments and without delay, not later than in the issue following the next issue of the daily newspaper or in the radio or television programme following the next programme from the day when the ruling became final.

The publication of the ruling referred to in paragraph 1 of this Article shall be subject to Article 93 paragraph 1 and Articles 96 and 107 hereof.

## XIX. COMMON PROVISIONS OF THE PROCEDURE OF LEGAL PROTECTION

### **Court Jurisdiction**

#### Article 121

A claim in the procedure of legal protection on the basis of Articles 83, 84, 85 and 101 and Article 107 paragraph 2, Articles 112 and 119 hereof shall be filed to the Higher Court in Belgrade.

### **Urgency of Procedure**

#### Article 122

The procedure in the proceedings initiated by a claim referred to in Article 121 shall be urgent.

### **Main Hearing**

#### Article 123

In the proceedings initiated by a claim referred to in Article 121 hereof, no preliminary hearing shall be scheduled.

In the proceedings initiated by a claim for publishing a reply, the defendant shall not be required to submit a respond to the claim, and in proceedings initiated by other claims the court shall order the defendant to respond to the claim within eight days from the day of delivery of claim.

In the proceedings initiated by a claim for publishing a reply, the first hearing shall be held within eight days from the day when the court received a claim, and in the proceedings initiated by other claims within 15 days from the day of receipt of the respond to the claim or from the expiry of deadline for respond to a claim.

The summons to the plaintiff shall indicate that it shall be deemed that he/she withdrew the claim in case of his/her nonattendance at the first or any subsequent hearing. The summons to the defendant shall be indicate that the ruling may be passed at the first hearing in case of his/her nonattendance and, that in case of his/her nonattendance at any subsequent hearing, the ruling shall be passed on the basis of facts established that far.

There is no case rest for the proceedings initiated by a claim referred to in Article 121 hereof.

The restitution of the former status may be requested in the proceedings initiated by a claim for publishing a reply within one day of the end of exceptional circumstances and within five days of the dismissal of procedural action.

### **Passing a Ruling and the Ruling**

#### Article 124

The court shall pass and publicly pronounce a ruling immediately upon the conclusion of the main hearing.

The certified copy of the ruling shall be delivered to each party within three days of the pronouncement of the ruling.

### **Appeal**

#### Article 125

Parties may lodge the appeal against the ruling within eight days of the day of delivery of the copy of the decision.

The appeal shall be sent to the opposing party for response without delay and within three days of the day of receipt of the appeal at the latest.

Deadline for response to the appeal is three days of the day of the receipt.

In the proceedings initiated by a claim for publishing a reply, the appeal shall not be sent to the opposing party for response.

Provisions on the filings sent by telegraph set forth in the law governing the civil procedure shall not be applied in the proceedings initiated by a claim for publishing a reply.

The court of first instance shall send to the court of second instance a timely and granted appeal, along with all the documents, within five days of the day of receipt of the response to the appeal, or upon the deadline for the response to the appeal in case of the proceedings initiated by a claim for publishing reply within two days as of the receipt of the appeal.

The court of second instance shall decide on the appeal within eight days of the day of receipt of the appeal and the documents, or within five days of the day of receipt of the appeal and the documents in case of the proceedings initiated by a claim for publishing reply.

### **Revision**

#### Article 126

The revision shall be allowed against second instance ruling if a claim request is rejected. It shall be filed within 15 days of the day of delivery of second instance ruling.

The deadline for reply to revision is 15 days from the day of revision delivery.



The revision referred to in paragraph 1 of this Article may be filed by both a plaintiff and a defendant in the proceedings initiated by a claim for compensatory damages and by a claim for rights to a share in profit.

The revision against the second instance ruling in the proceeding initiated by a claim for publishing a reply may not be lodged.

### **Delivery of Final Ruling to a Publisher**

#### Article 127

If a publisher was not included in the claim referred to in Article 121 hereof, the certified copy of the final ruling shall be delivered to the publisher as well.

### **Change of Editor-in-Chief**

#### Article 128

If the editor-in-chief is changed after filing a claim and the plaintiff does not modify the claim before the conclusion of the main hearing, the court shall dismiss the claim.

No consent both of the previous defendant or the new editor-in-chief for the modification of claim referred to in paragraph 1 of this Article is required.

A plaintiff may modify the content of the particulars of claim before the conclusion of the main hearing without the consent of the defendant.

The court shall not allow the modification of a claim if established that the procedural powers have been abused in that manner, and particularly if there were several modifications, by passing the separate decision that may be subjected to a separate appeal.

If the editor-in-chief has been changed after the passing of final ruling, the liabilities stipulated in the ruling shall be transferred to the new editor-in-chief, unless in case of the ruling for the claim for compensatory damages.

### **Consequences of Exceeding Deadlines**

#### Article 129

If the court exceeds the deadlines set forth in Article 123 paragraphs 3, Article 124 paragraph 2, Article 125 paragraphs 6-7 hereof, the president of the court, acting on a motion of the plaintiff, shall reassign the case without delay to another panel of judges.

The actions undertaken by the panel of judges that handled the case originally and the actions undertaken by the parties before the original panel of judges shall remain valid and need not to be repeated.

### **Costs of Proceedings**

#### Article 130

The defendant shall bear the costs of proceedings initiated by a claim referred to in Articles 83, 84, 85 and 101 and Article 107 paragraph 2, if he/she remedies the violation of the plaintiff's right before the conclusion of the proceeding by publishing reply, correction or in any other manner.

### **Application of the Rules of Civil Procedure**

#### Article 131

The proceedings initiated by a claim referred to in Article 121 hereof shall be subject to the provisions of the law governing civil procedure if not regulated otherwise hereof.

### **XX. SUPERVISION**

#### Article 132

The enforcement of this Law shall be supervised by the public authority of the Republic of Serbia in charge of public information activities, while in the autonomous province the enforcement of this Law shall be supervised by the provincial administration authority in charge of public information activities carried out as delegated tasks.

In carrying out supervision, public authorities referred to in paragraph 1 hereof shall exchange information on irregularities in application of the law, in particular by sending notifications on the violation of the law, along with recommendations for aligning with the law, and undertaking other possible means provided by the law.

For carrying out more efficient supervision, public authorities referred to in paragraph 1 hereof cooperate intensely with the public authority responsible for affairs of local self-government, public authority competent for economic affairs, authority competent for competition, authority competent for control of the state aid, authority competent for electronic media, authority competent for control of state aid, agency competent for business registers and other public authorities, regulatory authorities and agencies.

The basis for cooperation referred to in paragraphs 2 and 3 hereof shall be the protocol on cooperation signed by public authority referred to in paragraph 1 hereof with the state authorities, regulatory authorities or agencies referred to in paragraphs 2 and 3 hereof.

### **Inspection**

#### Article 132a

The inspection referring to legality of actions of Republic of Serbia authorities, authorities of autonomous province, local self-government units, public authorities and companies, institutions and other organisations founded by Republic of Serbia, autonomous province, local self-government unit, being also their members, shall be carried out by the Administrative Inspectorate by applying its obligations pursuant to this Law.

The inspection referred to in paragraph 1 hereof, including imposing of measures, shall be implemented by Administrative Inspectorate in accordance with the provision of this Law and the law regulating Administrative Inspectorate.

## XXI. SYSTEM OF PENALTIES

### **Commercial Offence**

#### Article 133

A fine of between 100,000 and 1,000,000 dinars for a commercial offence shall be imposed to a legal person – publisher who does not act as cautioned by the competent body in the proceedings of establishment that media pluralism has been threatened (Article 47 paragraph 3).

A fine of between 10,000 and 200,000 dinars for a commercial offence referred to in paragraph 1 of this Article shall be imposed to a responsible person in the publisher's company.

#### Article 134

A fine of between 100,000 and 1,000,000 dinars for a commercial offence shall be imposed to a legal person – distributor against the provision of Article 58 paragraph 1 of this law.

A fine of between 10,000 and 200,000 dinars for a commercial offence referred to in paragraph 1 of this Article shall be imposed to a responsible person in the legal person – distributor.

### **Misdemeanours**

#### Article 135

A fine of between 50,000 and 150,000 dinars for a misdemeanour shall be imposed to a natural person who publishes newspapers or provide radio or television programme and is not registered for the activity it performs (Article 32 paragraph 3).

#### Article 136

A fine of between 100,000 and 1,000,000 dinars for a misdemeanour shall be imposed to a legal person – publisher if:

1) publishes a media outlet without the imprint, if the imprint content is not in accordance with the law fails to publish the imprint in an appropriate manner (Articles 34-36);

2) by 31 March of the current year fails to deliver data on average media circulation sold that is referred to Article 39 hereof;

3) fails to register the changes of data entered in the Register within 15 days (Article 40);

4) a person enjoying immunity from liability or a person whose place of residence is not on the territory of the Republic of Serbia is appointed an editor-in-chief (Article 48 paragraphs 4 and 5);

5) shall not keep a media recording (Article 68);

6) shall not make a media recording available for viewing or shall not make a copy of the media record in accordance with the provisions hereof (Articles 69-71).

A fine of between 10,000 and 150,000 dinars for a misdemeanour referred to in paragraph 1 of this Article shall be imposed to a responsible person in the publisher's company.

A fine of between 10,000 and 150,000 dinars for a misdemeanour referred to in paragraph 1 of this Article shall be imposed to an entrepreneur-publisher.

### **Article 137**

A fine of between 50,000 and 150,000 dinars for a misdemeanour shall be imposed to a responsible person in public authority if he/she:

- 1) fails to carry out needs analysis regarding media content (Article 16b);
- 2) fails to announce public call for realisation of public interest in the field of public information (Article 17 paragraph 1);
- 3) fails to determine the amount of funds allocated in the public competition by not applying the principle of costs (Article 17 paragraphs 3 and 5);
- 4) fails to determine minimum and maximum amount of funds allocated per individual project in accordance with the Law (Article 17 paragraph 4);
- 5) fails to publish all data and documents related to public competition or project evaluation (Articles 17-26);
- 6) unjustifiably denies the participation in the public competition to some publishers by prescribing discriminatory criteria (Article 22 paragraph 7);
- 7) adopts the decision against the law on appointing the Competition Panel for allocating funds in public competitions (Article 24);
- 8) adopts a decision against the law on the allocation of funds by derogation from the proposal of the Competition Panel (Article 24a);
- 9) fails to review narrative and financial reports and fails to evaluate those reports in accordance with the law (Article 26);
- 11) fails to send the information on the allocation of funds to the Register within 15 days (Article 39 paragraph 4);

### **Article 138**

A fine of between 50,000 and 150,000 dinars for a misdemeanour shall be imposed to a responsible person in a public administration and a legal person whose majority shareholder is the state or which is entirely or predominantly funded from public revenue if it co-finances projects of or in any other way supports a media outlet or a publisher not entered in the Register or if it advertises in or use other services of a media outlet not entered in the Register (Article 44).

### **Article 139**

A fine of between 10,000 and 200,000 dinars for a commercial offence shall be imposed to an entrepreneur-publisher who does not act as cautioned by the competent body in the proceedings of establishment that media pluralism has been threatened (Article 47 paragraph 3).

A fine of between 20,000 and 400,000 dinars for a commercial offence shall be imposed to the entrepreneur – distributor – that acts against the provision of Article 58 paragraph 1 of this law.

#### Article 140

A fine of between 50,000 and 150,000 dinars for a misdemeanour shall be imposed to an editor-in-chief of a media outlet if:

1) anyone is qualified as the perpetrator of a punishable offence or proclaimed guilty of or responsible for an offence prior to a final ruling passed by a court ~~or another competent authority~~ (Article 73);

2) the content of media and manner of distribution may hinder the minors' moral, intellectual, emotional or social development and if media fails to visibly warn of pornographic content and display a warning of not being suitable for minors, or if a minor is made recognisable in the information that may violate his/her right or interest (Article 77, Article 78 paragraph 2 and Article 80 paragraph 2).

3) fails to submit to the court the audio or video recording of the programme at the request of the court (Article 94).

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Coalition for Freedom of Media:

Association of Media

Association of Online media

Independent Journalists Association of Vojvodina

Independent Journalists Association of Serbia

Business Association of Local and Independent Media Associations Local Press

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