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# **The Future of Public Service Broadcasting in Serbia**

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# 1.

## Introduction\*

The transformation of former state television broadcasters in post-socialist states and their transition into Public Service Broadcasters (PSBs) was meant to be one of the most visible achievements in the process of democratization. The transformation aimed to break the monopoly of the state in the sphere of public communication, and to enable citizens to access information freely and control the newly established media institution. Nevertheless, recent studies on the development, work, and challenges of PSBs in post-communist and post-socialist states, including those focusing on the Western Balkans, have demonstrated unpredictable and unexpected results of such reform efforts. Tailored after Western models, and supported throughout various media assistance programs, the public broadcasters developed into politically-dependent, financially unsustainable, non-transparent, and programmatically commercialized broadcasters. The serious debate and policy intervention that would take into account the impact of rapid technological changes and the growing multi-channel environment, coupled with audience fragmentation, are generally missing.

This paper examines the status, role, and main challenges of the reform of the PSB in Serbia. Taking into account its turbulent past and political misuse during the 1990s, Radio Television of Serbia (RTS) entered the era of democratization with a highly damaged reputation and poor technical, human, and managerial resources. It was challenging for lawmakers, local experts, and international organizations to create a context conducive to the establishment of PSB, and to foster its development according to 'European standards'.<sup>1</sup> Additionally, the status and operation of RTS was constantly endangered due to the non-transparent and personalized style of management and unsustainable financial planning, and additional challenges caused by technical and digital developments were not approached properly. In order to assess the achievements of the transformation

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\* This report is updated as of December 2016.

<sup>1</sup> The Council of Europe developed its list of 27 indicators of media in a democracy, which presents the most complete list of European standards, including freedom of expression, non-discrimination clause, journalistic freedoms, protection of labor and social rights, protection of editorial policy, equal access to information, state neutrality, independence of PSB, compliance with the Journalist Code, etc. See: Council of Europe, Committee on Culture, Science and Education, Indicators for Media in a Democracy, Doc. 11683 (Council of Europe, Committee on Culture, Science and Education, July 7, 2008). The complete list is available at: <http://www.assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=12123&lang=EN> (Accessed on November 12, 2015).

of PSB within the four main domains of analysis – socio and political aspects, regulation, funding, and digitalization – this paper will address three main research questions. The first question is related to the current operation of the PSB in Serbia, taking into account its regulation, status, model of funding and program quality. The second question assesses the entire process of creation of media policies and laws regulating the status of PSB in Serbia, including the actors in this process, their relations and influence. The final question addresses the main challenges of PSB in Serbia with regard to technology innovation and digitalization, use of the new media, and the PSB's relation with the audience.

Transformation of the former state- and regime-controlled RTS into a public service was a big challenge. Primarily, its transformation shared obstacles common to other countries in the region – lack of an institutional framework (which is necessary for its functionality), a small and chaotic media market, an economic situation that was additionally worsened after the global economic crisis, political pressures, and lack of transparency and professionalism – which is a general problem when it comes to public institutions in Serbia. What makes the Serbian case specific is the highly negative reputation and image RTS had after the period of the 1990s when the regime of Slobodan Milošević used the public media as a tool of political propaganda.<sup>2</sup> Additionally, its premises and infrastructure were severely damaged in 1999 during the NATO bombing.<sup>3</sup>

The research draws upon the ongoing debates on the status and operation of PSB in a changing media environment. Technological development, commercialization and the growing role of the market in defining media roles and audience tastes, information abundance, and audience fragmentation significantly define what we know today as 'media ecology'.<sup>4</sup> In such a context, the status, funding model, and social role of PSB and its relation with the audience are contested. In addition, the changing context for media policy and the slow process of transformation in the countries of the Western Balkans raise the questions of what stage of development the PSBs in the Western Balkans are

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<sup>2</sup> For that reasons, RTS was usually labelled as "TV Bastilla" at that time. See: Rade Veljanovski, *Javni RTV servis u službi građana* [Public Service Broadcaster to Serve Citizens] (Belgrade: Clio, 2005), pp. 217-218.; Dragan Bujošević, *5. oktobar: 24 časa prevrata* [5 October: A 24 Hours Coup] (Belgrade: Mediacentar, 2001).

<sup>3</sup> In 1999, during the Kosovo conflict, NATO defined the state broadcaster's headquarters as a legitimate bombing target in its campaign against the Milošević regime. In what is considered by many to be a violation of the Geneva Conventions, the main RTS building was bombed on April 23, 1999, leading to the death of 16 employees and estimated damages of around EUR 530 million. See: Ben Andersen, "Serbia After Milošević: A Progress Report" (A United States Helsinki Commission Briefing, March 1, 2001).

<sup>4</sup> The term derives from the idea that technology and techniques mediate human affairs, and also determine the way media operate and how they are perceived and consumed by people. Initially, the idea was developed by the so called 'Toronto School' and 'New York School', to which authors such as Marshall McLuhan and Neil Postman belonged.

in, how the changes of the media landscape influence this process, and what the main obstacles of transformation are.

This paper consists of four main chapters. The next chapter outlines the key theoretical concepts and presents the main debates on the status of PSB, its role and challenges on both a global, mainly European, level, and the local (Serbian) level. This chapter also contains a description of the methodology used for the sake of analysis in this paper. The third chapter briefly presents the most important information on the PSB in Serbia, its history, background, establishment, structure, and operation. The following chapters analytically assess the four main dimensions of analysis within the paper: status and regulation, funding, technological and digitalization challenges, and the socio-political aspect of PSB operation. The final chapters provide readers with a discussion of the key findings against the theoretical framework and concluding remarks.



## 2.

# Theoretical and Methodological Framework

Intensive debates on the redefinition of the role and format of public broadcasters in a changing technological and communication environment took place in the last decade. PSB has become a contested concept. Raboy highlighted three sets of parallel developments that affected the new broadcasting environment: the explosion in channel capacity, the disintegration of the state broadcasting model,<sup>5</sup> and the upsurge of mixed broadcasting systems<sup>6</sup>. Consequently, it becomes problematic to legitimize public service arrangements with reference to broadcasting as its traditional form.<sup>7</sup> The vibrant debates on the status, role and future of PSB, have been shaped around various issues – the scarcity argument, the values that define what public good is, PSB funding, PSB relation to the audience, and the arguments related to PSB's independence. Debates around these issues will be briefly presented within this chapter.

Current debates on PSB are shaped around the tension regarding who should determine the content of public interest – the market itself (following the tastes of various audiences) or some unbiased, objective, professional authority (following the interest of the public as a whole). Economists who question the ability of PSB to perform this role<sup>8</sup>, argue in favor of a free market approach, claiming that public resources (collected through a license fee, taxes, direct or indirect budget funding) can no longer be used to provide a universal service, since this service is consumed by a diminishing number of people. They use the argument of 'consumer sovereignty' and according to them only the audience, namely consumers, has the power to determine what should be watched and

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<sup>5</sup> The disintegration of the state model (which means public media controlled by the state) followed the process of democratization of former socialist or communist states, and the new model of public media was introduced to foster this process. See more in: Slavko Splichal, "Imitative Revolutions: Changes in the Media and Journalism in East-Central Europe," *Javnost/The Public* 8, no. 4 (2001), pp. 31-58; Marc Raboy, "Rethinking Broadcasting Policy in a Global Media Environment" (paper presented at the RIPE@2002 Conference, Helsinki, Finland, January 17-19, 2002).

<sup>6</sup> Raboy, "Rethinking Broadcasting Policy".

<sup>7</sup> Hallvard Moe, "Defining Public Service beyond Broadcasting: The Legitimacy of Different Approaches", *International Journal of Cultural Policy* 17, no. 1 (2011), pp. 52-53.

<sup>8</sup> See: Mark Armstrong, "Public Service Broadcasting", *Fiscal Studies* 26, no. 3 (2005), pp. 281-299; Alan Peacock, *Public Service Broadcasting without BBC* (London: The Institute for Economic Affairs, 2004).

declared of public interest.<sup>9</sup> Contrary to this, there are claims that the market itself, either consumer needs or audience tastes, cannot act as the sole arbiter of what is public interest. Following the ‘market failure’<sup>10</sup> arguments, the market cannot (or will not) provide certain types of programs, genres, or topics, and the role of PSB is to supply the public with this missing content. Furthermore, some authors argue that “limiting a publicly owned broadcaster to providing only programming the market lacks interest in does not allow it to make other contributions to social, cultural, and economic well-being.”<sup>11</sup> In providing such content, PSB has to commit to high quality production excellence, and in a way that ‘leaves a mark’,<sup>12</sup> and to take into account the public as a whole.

Audience fragmentation, as a result of digitalization and the introduction of multi-channel platforms and niche programming, is another threat to the universality imperative of PSB. As Mancini notes, media fragmentation and audience segmentation could be observed as an increased trend towards commercialization, and it has very important consequences on the perceived role, current performance, and future profiling of PSB.<sup>13</sup> Normatively speaking, PSB has always aimed at producing television as a form of speaking to viewers as citizens, prioritizing participation over consumption (the viewer as a social participant),<sup>14</sup> and trying to reach as wide and diverse an audience as possible. In order to be universal, PSB needs to be as plural and diverse as it can. The traditional role of PSB is to expose its audience to a variety of views (sources), contents, and genres. But as Helberger claims, media diversity is more a means of

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<sup>9</sup> Patrick Barwise and Robert G. Picard, *The Economics of Television in a Digital World: What Economics Tells Us for Future Policy Debates* (Oxford: Reuters Institute for the Study of Journalism, 2012), p. 3.

<sup>10</sup> For the ‘market failure’ argument see: Allan Brown, “Economics, Public Service Broadcasting, and Social Values”, *Journal of Media Economics* 19, no. 1 (1996), pp. 3-15; Peacock, *Public Service Broadcasting without the BBC?*; Tyler Cowen and Eric Crampton, “Introduction”, in *Market Failure or Success: The New Debate*, eds. Tyler Cowen and Eric Crampton (Cheltenham; Northampton: Edward Elgar, 2002), pp. 3-28; Simon Anderson and Stephen Coate, “Market Provision of Broadcasting: A Welfare Analysis”, *The Review of Economic Studies* 72, no. 4 (2005), pp. 947-972.

<sup>11</sup> Barwise and Picard, *The Economics of Television*, p. 23.

<sup>12</sup> United Nations Educational, Scientific and Cultural Organization (UNESCO), *Public Broadcasting. Why? How?* (Paris: UNESCO, Communication Development Sector; Montreal: UNESCO, Conseil mondial de la Radiotélévision, 2001), pp. 17-20; Monroe Price and Marc Raboy, eds, *Public Service in Transition: A Documentary Reader* (The Programme in Comparative Media Law and Policy for the European Institute for the Media, 2001), pp. 21-23.

<sup>13</sup> Dr Paolo Mancini, interview with the author, June 12, 2015; See also: Paolo Mancini, “Media Fragmentation, Party System, and Democracy”, *The International Journal of Press / Politics* 18, no. 1 (2013), pp. 43-60.

<sup>14</sup> Jose Van Dijck and Thomas Poell, “Making Public Television Social? Public Service Broadcasting and the Challenges of Social Media”, *Television & New Media* 16, no. 2 (2014), pp. 10-14.

exercising PSB's informative and educative role, than a goal in itself.<sup>15</sup> Departing from the assumption that media diversity policies, as an incremental part of the mission of the public service media, are not only about providing a diverse choice of content from different sources, but also about making sure that the audience is actually being exposed to a diversity of media content,<sup>16</sup> Helberg and Burri call for a more active role of the state regulators and PSBs in defining new policies and approaches to its audience. It is not enough to produce and provide the plural content (supply side), but they must also make sure that the provided content will be recognized, accessed, and consumed by the wider audience.<sup>17</sup>

Calls for new policies in the domain of pluralism and diversity unquestionably consider television a public good. But, is it a public good? Following pure economic logic, a public good is defined by two properties: *non-excludability* – which highlights the infeasibility to exclude those who do not pay, and *non-rivalry* – which underlines that consumption by one consumer does not reduce the amount available for other consumers (indicating that costs of supplying are marginal).<sup>18</sup> This is further upgraded with claims of those to whom television cannot be perceived solely as an economic good, but rather considered a 'merit good'. According to Graham, merit goods and services are those which "benefit individuals but which even well informed people are not aware of in advance of the purchase and, in some cases, not for long periods thereafter."<sup>19</sup> Merit goods have some of the qualities of an investment – the program may have passed but the effects linger on in our minds, giving a pay-back spread out over time.<sup>20</sup> Considering television - and especially PSB - as 'merit' goods provides a rationale and justification for their funding by public money.

Funding seems to be one of the most debated issues in regard to PSB, especially the license fee as a widely accepted model. It is believed that the fundamental reasons for the participatory role of the state in supporting PSB are unchanged. Arguments in this regard fall under two broad fields. The first is *economic* – as well as a 'public good', TV is also an 'experience good' about which consumers have difficulties making rational choices. The second is *non-economic* – for social, cultural, and political reasons, TV is simply too important

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<sup>15</sup> Natali Helberger, "Merely Facilitating or Actively Stimulating Diverse Media Choices? Public Service Media at the Crossroad", *International Journal of Communication* 9, (2015), p. 1326.

<sup>16</sup> See in: Philip M. Napoli, "Exposure Diversity Reconsidered", *Journal of Information Policy* 1, (2011), pp. 246–259.

<sup>17</sup> Natali Helberger and Mira Burri, "Public Service Media and Exposure Diversity: Introduction", *International Journal of Communication* 9, (2015), pp. 1319–1323; Natali Helberger, "Exposure Diversity as a Policy Goal", *Journal of Media Law* 4, no. 1 (2012), pp. 65–92.

<sup>18</sup> Robert G. Picard and Paolo Siciliani, *Is there Still a Place for Public Service Television? Effects of the Changing Economics of Broadcasting: Report* (Oxford: Reuters Institute for the Study of Journalism, 2013), p. 10.

<sup>19</sup> *Ibid.*, p. 44.

<sup>20</sup> *Ibid.*, p. 45.

to be left to market forces alone.<sup>21</sup> Weeds argues that public broadcasting creates positive externalities not provided by the market that are important for society, and that public intervention is partially acceptable (but not in a way that harms commercial firms or investments in broadcasting, or reduces the total welfare of the broadcasting system).<sup>22</sup> Since only public money could safeguard the non-competitive position of PSB, authors who support intervention (in different intensities) believe this should affect not only the quality of PSB outputs (high quality programs), but also the long-term results of PSB work.

On the other hand, some market economists are against state intervention in the domain of funding, criticizing the license fee model. They use various rationales: it keeps the public from being able to use market mechanisms to influence content,<sup>23</sup> it distorts the television market,<sup>24</sup> and asymmetric treatment of broadcasters acts to distort the incentives of commercial broadcasters<sup>25</sup>. Responses to these critics claim that they essentially refer to state broadcasters, not to genuine public service broadcasters, which are essentially different when it comes to the funding mechanism and both internal and external control. Those who support large scale public intervention take into account the specific role television has to play in a complex and demanding social, cultural, and political environment.<sup>26</sup>

The introduction of multi-channel and online platforms removed and relaxed the capacity constraints and made the argument of 'spectrum scarcity' senseless.<sup>27</sup> Removal of spectrum scarcity also allows increased competition with regard to price, the range and quality of content, and service.<sup>28</sup> New technologies that use the spectrum more efficiently and comprehensively, liberated by regulatory reforms, have already overcome the spectrum limits. The introduction of private and commercial media increased the competition on the market and facilitated new providers of content. Speaking purely technologically, television today differs

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<sup>21</sup> See: Andrew Graham and Gavin Davies, *Broadcasting, Society and Policy in the Multimedia Age* (London: John Libbey, 1997); Andrew Graham, et al. *Public Purposes in Broadcasting: Funding the BBC* (Luton: University of Luton Press, 1999); Robin Foster and Kip Meek, *Public Service Broadcasting in the UK*, (London, The Social Market Foundation, 2008).

<sup>22</sup> Picard and Siciliani, *Is there still a Place for Public Service Television?*, p. 5.

<sup>23</sup> Alan Peacock, *Report of the Committee on Financing the BBC* (London: Her Majesty's Stationery Office, 1986).

<sup>24</sup> Peacock, *Public Service Broadcasting without the BBC?*

<sup>25</sup> Armstrong, "Public Service Broadcasting", pp. 281–299.

<sup>26</sup> Barwise and Picard, *The Economics of Television*, p. 3.

<sup>27</sup> The radio and television spectrum has been considered one of the most tightly regulated public resources. Traditional notions of the spectrum as a limited and scarce good forced states to regulate access to it and its use. The basic assumption, from its beginnings in the 1920s, was that the transmitters (the BBC was founded in that period) would interfere with each other or with other users of the spectrum. The doctrine of 'spectrum scarcity' was built on this notion.

<sup>28</sup> Barwise and Picard, *The Economics of Television*, p. 6.

from the 'old type' of television in two ways – one, evolutionary (*digital switchover*) and the other, potentially revolutionary (*digital convergence*).<sup>29</sup>

Taking into account the challenges in regard to PSB legitimacy, is it necessary to question the mission of PSB in the new media environment? Redefinition of the PSB remit implies certain challenges to PSB: the desire to provide universal service, the way content in the new environment is consumed, and how the public money is used for promoting public interest.<sup>30</sup> The first dilemma is related to the fragmentation of media markets caused partly by the new communication platforms, and the imperative of PSB to be both universal and plural at the same time in order to meet the needs of citizens, to cover topics that are scarce on the market, but at the same time to take into account all groups and individuals within a society without discrimination.<sup>31</sup> The second dilemma is related to the role of public media in the age of non-linear consumption.<sup>32</sup> This means that producers of media content need to adjust their logic of work to the new environment, which takes non-linearity as a dominant paradigm. In this regard, public broadcasters in developed countries have already started to re-organize their internal structure to adapt production logic and make technical and human resources more in line with ongoing trends. Also, audience preferences and their migrations to specific platforms (in the last several year, more and more people are using smart phones as the primary gadget for information), are attracting the attention of policy makers and PSB managements to re-think and strategically develop their future services.<sup>33</sup>

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<sup>29</sup> *Digital switchover* includes conditional access technology that allows increased access to various channels, and improvement in time-shift technology (DVRs, or PVRs – personal video recorders). *Digital convergence* refers to the adoption and usage of new online digital technologies such as superfast broadband, video-on-demand (VoD), smart and internet-enabled TV, social media, and mobile TV. See: Barwise and Picard, *The Economics of Television*, p. 7.

<sup>30</sup> Barwise and Picard, *The Economics of Television*, p. 12.

<sup>31</sup> See further: Georgina Born and Tony Prosser, "Culture and Consumerism: Citizenship, Public Service Broadcasting and the BBC's Fair Trading Obligations", *The Modern Law Review* 64, no. 5 (2001), pp. 657-687; Lesley Hitchens, *Broadcasting Pluralism and Diversity: A Comparative Study of Policy and Regulation* (Portland: Hart Publishing, 2006); Napoli, "Exposure Diversity Reconsidered"; James G. Webster and Thomas B. Ksiazek, "The Dynamics of Audience Fragmentation: Public Attention in an Era of Digital Media", *Journal of Communication* 62, no. 1 (2012), pp. 39-56.

<sup>32</sup> Non-linear consumption means that users of media contents have a certain freedom to access and choose contents they like the most, and re-order the information in a way that suits their needs and tastes.

<sup>33</sup> Annika Sehl, Rasmus Kleis Nielsen and Alessio Cornia, *Public Service News and Digital Media* (Oxford: Reuters Institute for Journalism, 2016).

## 2.1 Key Issues Related to PSB Development in Western Balkan Countries

The model of PSB introduced in the post-Communist states has been shaped upon the experiences and practices of the Western models.<sup>34</sup> While transformation theorists initially distinguished three modes of transformation – paternalistic, democratic, and systemic, a fourth type – mimetic or imitative -- has been introduced to describe PSB transformation in the post-Communist countries.<sup>35</sup> The countries in transition aimed at imitating what McQuail called the “public service phase” of media policy.<sup>36</sup> The ‘mimetic’ model was never based on naive presumptions about the possibilities of policy transfer. The assumption was that transplantation of the legal and institutional frameworks of PSB would have to be followed by a long period of development of the kind of political and journalistic culture required for PSB to be able to flourish. Yet some authors claim that what really happened in the countries of the former Yugoslavia could be explained by the ‘atavistic’ orientation in which public resources, including institutions such as PSB, are captured and controlled by the political elites.<sup>37</sup>

This trend has been labeled by Mancini and Zielonka as ‘politicization of the state’, where political parties, business corporations and organized interest groups have attempted to ‘conquer’ state institutions and extract resources from them.<sup>38</sup> In such a situation administration and law are often shaped by the *ad hoc* needs of political agents rather than *a priori* policy objectives aimed at providing public goods.<sup>39</sup> *Business parallelism* is present, as mass media are owned by and depend on business interests rather than on political and social organizations. Since public television revenues in CEE are heavily dependent on advertising,

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<sup>34</sup> Different states have imported different models; in the domain of public service, many states looked to the BBC model of public broadcasting – and even attempted to implement it – but with mixed results.

<sup>35</sup> See: Splichal, “Imitative Revolutions”, pp. 31-58; Karol Jakubowicz, “Participation and Partnership: A Copernican Revolution to Reengineer Public Service Media for the 21<sup>st</sup> Century” (paper presented at RIPE@2008, Keynote Presentation, Mainz, Germany, October 9, 2008); Karol Jakubowicz, “Digital Switchover in Central and Eastern Europe: Premature or Badly Needed?”, *The Public / Javnost* 14, no. 1 (2007), pp. 21-38.

<sup>36</sup> Denis McQuail, *McQuail’s Mass Communication Theory* (London: SAGE Publications, 2000), pp. 208-209.

<sup>37</sup> See series of studies produced by Analitika – Center for Social Research on media assistance in establishing functional media institutions. Available at: <http://www.analitika.ba/en/projects/development-functional-media-institutions-western-balkans-%E2%80%93-comparative-study> (Accessed on September 19, 2015).

<sup>38</sup> Jan Zielonka and Paolo Mancini, *Executive Summary: A Media Map of Central and Eastern Europe* (Oxford: University of Oxford, 2011).

<sup>39</sup> These countries are, moreover, characterized by floating laws and procedures: laws are usually subject to permanent amendments, according to the *ad hoc* need of political elites.

corporate pressures are very potent, and the distinction between public and private media/sphere/interests is relatively blurred. The programming of public service television channels has been largely commercialized. Media markets are small and relatively weak, as media and small advertising revenues, especially after the 2008 economic crisis, led to various forms of media control, including the public services.<sup>40</sup>

Recent studies, analysis, and assessments suggest that the introduction of PSB in the Western Balkans has either so far failed, or has produced very uncertain results. The initial predictions that one can transplant institutions as part of a process of 'imitative transformation', especially in such an unpredictable area as the media, has proved to be wrong. For PSB organizations to become deeply rooted and operative in the new environment, it requires more time, effort and ideas.<sup>41</sup> Studies conducted in this field also suggest that reforming institutions through conditionality - a list of specific changes that the country must enact before funds or other benefits are released - does not yield successful institutional change.<sup>42</sup> Some authors point out that "one of the largest challenges for development efforts is the lack of an enabling environment that allows independent media to develop (...). Funding agencies and intermediary implementation agencies face legacies of undemocratic structures, politicians, and traditions, which make the creation of enabling laws and policies difficult or impossible."<sup>43</sup>

Hrvatín's observation that "all the new public broadcasting organizations in post-Communist countries were 'in a state of crisis,'"<sup>44</sup> can easily be re-affirmed today. These institutions can still be linked to messy media legislation; political pressures; the weakness of civil society; traditional and badly designed organizational and management structures; frequent management and leadership crises; lack of funds and know-how of programming; small television and advertising markets in the countries concerned; self-censorship of journalists and program-makers; inadequate dedication of the staff to PSB

<sup>40</sup> Zielonka and Mancini, *Executive Summary*.

<sup>41</sup> Karol Jakubowicz, "Ideas in Our Hands: Introduction of PSB as Part of Media System as Part of Media Change in Central and Eastern Europe", *European Journal of Communication* 19, no. 1 (2004), p. 53.

<sup>42</sup> Mary M. Shirley, "Institutions and Development", in *Handbook of New Institutional Economics*, eds. Claude Menard and Mary M. Shirley (Dordrechts: Springer, 2005), p. 33.

<sup>43</sup> See: Monroe Price, *Mapping Media Assistance* (Oxford: University of Oxford, Centre for Socio-Legal Studies, The Programme in Comparative Media Law & Policy, 2002), p. 57; Kristina Irion and Tarik Jusić, "International Assistance and Media Democratization in the Western Balkans: A Cross-National Comparison", *Global Media Journal, German Edition* 4, no. 2 (2014); Davor Marko, *Media Reforms in Turbulent Times: The Role of Media Assistance in the Establishment of Independent Media Institutions in Serbia* (Sarajevo: Analitika – Center for Social Research, 2013).

<sup>44</sup> Sandra Bašić Hrvatín, *Serving the State or the Republic: the Outlook for Public Service Broadcasting in Slovenia* (Ljubljana: Peace Institute, 2002), p. 79.

values - including political impartiality and detachment, concern for the public interest, non-commercialism, high professionalism and high quality, etc.<sup>45</sup> Public media today are facing additional challenges that have emerged with the advent of new technologies and digitalization. As a result of the growing power of new media players that offer new digital content and services, the decreasing audience and market share of public service broadcasters, challenges in terms of programs, platforms, means of communication and changing policies of the EU, there is no explicit discourse, clear vision or public policies that would ensure or support the long term sustainability and development of public service television programming in the digital age.<sup>46</sup>

## 2.2 Methodology

In order to perform a comprehensive analysis of the process of PSB development and its current operation in the Serbian context, a combination of qualitative research methods will be applied. The methods that will be employed include document reviews and document analysis, combined with in depth interviews with main stakeholders. Content analysis has been applied for the analysis of primary and secondary sources. Primary sources consisted of the main regulating documents of the EU, domestic legislation in selected countries, and main strategic and policy documents related to media and PSB. Existing literature, studies, research, reports and media texts by local experts have been considered as secondary sources for analysis. Data were additionally gathered through in depth interviews with key stakeholders and independent experts. During May and June 2015, eleven interviews were conducted with persons of various backgrounds relevant for this study – 1 decision maker, 1 media lawyer, 1 media researcher, 2 scholars, 4 members of editorial and managerial staff of RTS and RTV, 1 representative of a professional journalist association, and 1 representative of the international community (see Annex 1 for details).

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<sup>45</sup> Ibid.

<sup>46</sup> Miklos Sukosd and Adla Isanović, *Introduction to Public Service Television* (Sarajevo: Media Center/SEENPM, 2008), p. 27.



# 3.

## Country Background

### 3.1 Political, Social and Economic Aspects

The Republic of Serbia is one of the seven independent states established after the break-up of socialist Yugoslavia. Serbia is a parliamentary republic with a multi-party system. Executive authority is exercised by the prime minister and the government. The head of state is the president, who is elected by popular vote, and whose role is ceremonial with little executive, legislative, or judicial authority.<sup>47</sup> According to the last census (2011), Serbia's population was slightly above 7 million. The majority of the population is comprised of ethnic Serbs (82.9%), while the rest are a diverse array of minority ethnic groups.<sup>48</sup>

The democratization of Serbia took place once the regime of Slobodan Milošević collapsed, following the people's uprising in October 2000.<sup>49</sup> Successive governments in post-Milošević Serbia established a new media legal framework under the influence and guidance of the EU, CoE, and OSCE. Since the democratization of the country in 2000, there have been at least three phases of media policy<sup>50</sup> in Serbia: (i) the *modernization phase* (from 2000-2003) when political actors established a consensus on EU accession and applied European standards in the sphere of media (privatization, self-regulation, establishment of public service, using expertise from civil society and professional associations), (ii) the *stagnation phase* (2004-2008), which took place during the conservative and EU-skeptic government of the Democratic Party of Serbia led by Vojislav Koštunica (in this phase media policies were restrictive, media privatization frozen, new laws contradicting the established principles within media legal framework, and the independence of the RTS was limited), and (iii) the *phase of*

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<sup>47</sup> "Ustav Republike Srbije" [Constitution of the Republic of Serbia], *Official Gazette of RS* 98/06, Articles 111 and 112.

<sup>48</sup> Statistical Office of the Republic of Serbia, "2011 Census of Population", last modified July 27, 2016, <http://popis2011.stat.rs/?lang=en> (Accessed on September 10, 2016).

<sup>49</sup> Ivana Spasić and Milan Subotić, eds. *Revolution and Order: Serbia after October 2000* (Belgrade: Institute for Philosophy and Social Theory, 2001); Nebojša Vladislavljević, *Serbia's Antibureaucratic Revolution: Milošević, the Fall of Communism and Nationalist Mobilization* (Basingstoke: Palgrave Macmillan, 2008); Milan Podunavac, *Revolution, Legitimacy and Order: The Case of Serbia* (Belgrade: Čigoja, 2006).

<sup>50</sup> Jovanka Matić and Dubravka Valić Nedeljković, "Serbia", in *Media Integrity Matters: Reclaiming Public Service Values in Media and Journalism*, ed. Brankica Petković (Ljubljana: Peace Institute, 2014), pp. 321-331.

*re-emerged Europeanization* (2009-present), when Serbia was granted candidate status, which implies the harmonization of domestic laws with the EU *aquis*, and the ratification of international acts and adoption of important domestic documents,<sup>51</sup> such as the Strategy<sup>52</sup> for media development.

International actors, mainly the EU, CoE, and OSCE, played an important role in setting the ground for establishing a functional PSB in Serbia. In particular, the Media Department of OSCE in close co-operation<sup>53</sup> with the EU and the CoE assisted in drafting and amending media laws to meet international and European standards. Their experts helped in drafting the Broadcasting Act (2002), as well as in the establishment of the PSB in Serbia.<sup>54</sup> Various external actors of the international community (consulting, expertise, monitoring, regular reporting, funding, etc.) also provided assistance to the Serbian authorities and the professional community in preparing strategies for media development in a changing environment, and in adapting and adopting new legislation. The new strategic and legislative framework in Serbia also reflected the current principles and policies of the EU, especially those in regard to competition and state aid regulation.<sup>55</sup>

## 3.2 Media System

Serbia has a dual broadcasting system with both public service broadcasters and commercial television and radio stations. The Serbian media landscape is over-saturated with media outlets, with 818 print media, 284 radio stations, 175 television stations, and 334 internet news portals.<sup>56</sup> The transformation of the Serbian media and the entire media system was led by the ideals of free press and a dual broadcasting system in which the transformed PSB would play an important democratizing role.<sup>57</sup> Serbia's independent regulatory body for

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<sup>51</sup> This includes the European Convention on Transfrontier Television (2009), the Digitalization Strategy (2009), the Law on State Aid Control (2010), and the Law on Electronic Communication (2010).

<sup>52</sup> Republic of Serbia, "The Strategy for the Development of the Public Information System in the Republic of Serbia until 2016", adopted in 2011 finally defined public interest in Serbia.

<sup>53</sup> Since its establishment in Serbia in 2001, the OSCE Mission has been acting as the implementing agent of the project of assisting RTS transformation into a public service. An OSCE office was even opened inside the RTS premises concentrated fully on RTS in its political lobbying and financial requests. See: Organisation for Security and Cooperation in Europe (OSCE), "OSCE Opens Office within Radio-Television Serbia", February 21, 2013.

<sup>54</sup> The European Parliament, Directorate – General for External Policies, *Freedom of Media in Western Balkans* (The European Parliament, Directorate – General for External Policies, 2014), p. 70.

<sup>55</sup> Saša Mirković, Ministry of Culture and Information, interview with the author, May 27, 2015; Slobodan Kremenjak, Law office "Živković & Samardžić", interview with the author, May 27, 2015.

<sup>56</sup> International Research and Exchanges Board (IREX), "Serbia at a Glance," in *Serbia Media Sustainability Index 2016* (Washington: IREX, 2016), p. 126.

<sup>57</sup> Jovanka Matić, *Servis građana ili servis vlasti* [Service for Citizens or Service for Government] (Belgrade: Dobar naslov, 2014), p. 156.

broadcasting, the Regulatory Authority for Electronic Media (REM, formerly the Republic Broadcasting Agency) is in charge of spectrum management, licensing, and implementing broadcasting laws and regulations. This is to be distinguished from the domain of telecommunications which is under the supervisory authority of the Republic Telecommunication Agency (RTA).

Serbian media operates in a very small market unable to meet the needs of all competitors, primarily media and advertisers. The advertising revenue in the media sector in recent years was approximately EUR 155-175 million. Out of this total, 54% is for TV, 21% for print, 11% for Out of Home, 9% for internet, and 5% for radio (AGB Nielsen, 2013). The biggest increases in revenues were recorded in 2002 (67% increase) and 2007 (52% increase). In 2009, there was a decrease in advertising revenue of 22%, which raised serious questions about the survival of many commercial media in Serbia. According to available data (Nielsen Audience Measurement), television has the biggest share when it comes to advertising revenues, which in 2013 and 2014 was more than 50 percent. There are only estimates that the two television stations with the biggest share of the market are TV Pink and TV Prva, followed by Radio-Television of Serbia.

*Table 1: Annual advertising revenues, 2001 - 2013 (in million EUR)*

Year	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010, 2011	2012	2013	2014
Revenues	30 <sup>58</sup>	50	65	80	95	115	175	206	161	175	172	155	160

Sources: IREX Media Sustainability Index, AGB Nielsen

According to the International Research & Exchanges Board (IREX) Media Sustainability Index 2016, Serbia has an unsustainable mixed media system. This means that “the country minimally meets objectives, with segments of the legal system and government opposed to a free media system.”<sup>59</sup> Compared to previous years, there is a drastic drop in rankings in each of the categories, primarily due to economic and political downturns. Following the elections of March 2014, at which the leading Serbian Progressive Party won 158 out of 250 seats in the National Assembly (with 48.35% of popular support), the media landscape in Serbia was affected by constant economic problems, “with an extension of control and censorship, including an increase in self-censorship, which pervades the media industry: critical reporting is deemed seditious,”<sup>60</sup> and with no serious effort from the current regime to improve conditions for freedom of expression and access to information.

<sup>58</sup> This amount is in US \$.

<sup>59</sup> IREX, *Serbia at a Glance*.

<sup>60</sup> Ibid.

## 4.

# Research Findings: PSB in Serbia

## 4.1 Background on PSB

PSB in Serbia was established in 2006 and developed into a popular (RTS) and unique<sup>61</sup> (RTV) radio-television broadcaster in Serbia. RTS currently broadcasts nine TV and four radio stations, while RTV has two TV and four radio channels.<sup>62</sup> It also has an extensive network of branch offices, web portals, musical productions with four orchestras and three choirs, and publishing, research, and documentation centres. RTS has been a member of the European Broadcasting Union since 2001 and employs around 3,800 people; 3,200 on a full-time basis and 600 with partial or honoraria status.<sup>63</sup> RTV has two TV (RTV1 and RTV2) and three radio channels, primarily targeting the population of the Autonomous Province of Vojvodina. RTV also owns and governs Studio M, a large concert hall and space used for radio and TV production. According to official data, in 2013 RTV employed 1,267 people – 83.75% employed on a full time basis. Analysis of employee structure demonstrated an above average number of assistants and advisors, and dispersed middle management (editors of programs, heads of departments).<sup>64</sup>

The transformation of RTS into a public service was delayed until the beginning of the 2000s when the Milošević regime was overthrown. The legal ground for transformation was set up in 2002 when the Broadcasting Act was adopted. This law introduced and defined the concept of public service broadcasting and stipulated the establishment of two public broadcasters – RTS, with its base in Belgrade, and RTV, with headquarters in Novi Sad. Only in 2006 did the public broadcasters begin operating, when all necessary preconditions were fulfilled (adopting the legislation, establishment of the regulatory body that further elected the PSB management, making license fee collection work, etc.). It was

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<sup>61</sup> Unique due to the fact that it broadcasts the channel in 11 minority languages.

<sup>62</sup> Of RTS's four TV stations, two are general – RTS 1 and RTS 2, one specialized for culture and arts – RTS 3, one for Serbian diaspora – RTS Sat, while recently RTS launched five specialized digital channels – RTS Život, RTS Kolo, RTS Trezor, RTS Drama and RTS Muzika, following public discussions. The four radio channels are Radio Belgrade 1, 2, and 3, and Belgrade 202.

<sup>63</sup> At the beginning of 2000, when the transformation of RTS into a public service began, it employed more than 8,000 people.

<sup>64</sup> Radio-television of Vojvodina, *Strategija 2013-2017*. [Strategy 2013-2017] (Novi Sad: Radio-television of Vojvodina, 2013), pp. 20-21.

a big task for the new RTS management as well as for the donors, since RTS had lost its reputation during the 90s, its premises were severely damaged, and it had lost much of its audience. Particular emphasis was put on its human resources and improvement of the news programming. For RTV it was the first time after more than 15 years that it became institutionally, financially, and operationally independent.

## 4.2 Socio-cultural and Political Aspect

Serbia inherited a subject political culture from the socialistic period and combined it with the authoritarian political culture dominant in 1990s.<sup>65</sup> As a result, the “regime of fear” re-produced by Milošević and his political allies in this period misused public media, including the public broadcaster (RTS), to spread fear and propaganda, which produced a “hegemonic public sphere in which the ruling party’s interpretation of the political situation prevails while oppositional views are marginalized and even delegitimized.”<sup>66</sup> Until the end of the 90s, RTS (usually labelled as “TV Bastilla” at that time) was used for political and war propaganda. In 1999, when the Kosovo crisis took place, NATO defined the broadcaster’s headquarters as a legitimate target. Once Milošević’s regime collapsed, the door for the liberation of the broadcaster and its transformation into a public service was opened.

From its inception, in 2006, the reformed PSB has been perceived as an indicator of democratic development in Serbia, but in practice it has rarely demonstrated its ability to be a vital vehicle driving the process of democratization in Serbia. For decision makers it was important to establish the structural and institutional contours of the PSB, including adoption of the law and setting the procedures in line with European standards, but essential change has not been achieved. Its inevitable social role for the democratization of Serbian society has been discussed mainly by media experts, both local and international, who have continuously criticized how RTS is governed, the lack of universality and plurality in the domain of its programming (this relates to both RTS and RTV), lack of transparency when it comes to finance, and also the way the checks and balances of the PSB’s remit function (this is mainly related to the ‘politicized’ procedure of electing the members of the regulatory body, and the lack of transparency in the Committee of the Serbian Parliament in charge of media and information). Politicians mainly criticize PSB along narrow party interests, with no wider perspective, considering

<sup>65</sup> Zagorka Golubović, Bora Kuzmanović and Mirjana Vasović, *Društveni karakter i društvene promene u svetlu nacionalnih sukoba* [Social Character and Social Changes in the Light of National Conflicts] (Belgrade: Institute for Philosophy and Social Theory; Filip Višnjić, 1995).

<sup>66</sup> Ibid. p. 242.

the public media as a ‘post-election gift’<sup>67</sup> and using a populist voice when referring to PSB reform, mainly to attract votes before elections.

The structure of the PSB system in Serbia reflects the territorial organization of the state, with its provincial broadcaster RTV<sup>68</sup> having an emphasized role in representing diversities with a special focus on national minorities. According to its Statute, RTV should produce diverse content of different genres and universal values; using and implementing new program formats and technologies; the promotion of the culture of Vojvodina; and preserving the cultural and national identity of the Serbian people and national minorities.<sup>69</sup> With the exception of Article 13 (which defines that “use of the Serbian language is not mandatory in programs related to national minorities”) none of these articles employs strict affirmative measures to stress the importance of the presentation of national minorities as part of the public interest related to RTV. The Law on Public Media Services (2014) indicates that public broadcasters have to respect pluralism, cultural and ethnic diversity (Article 7). The specific types of programs, including quotas and overall achievement, are not precisely prescribed, but RTV fulfils its role without strict legal provisions. The biggest problem for RTV and minority newsrooms is related to the realization of this minority programming, attaining a quality that attracts viewers, and to human resources – the newsrooms are considered to be ‘old’ with no active measures to motivate young and skilled people to stay and work in the PSB.<sup>70</sup>

### 4.3 Regulation of PSB

The Law on Public Media Services (2014) regulates the status and operation, and defines the remit of PSB. According to Article 4, PSB relies on the following principles: objective, unbiased, complete, and timely reporting; independence of editorial policy; independence from the funding sources; rejection of any type of censorship or illegal influence on the work of PSB, its editors, and journalists; implementation of internationally recognized norms and principles, especially of those respecting human rights and freedoms, including democratic values; and a respect for professional standards and codes. The law also prescribes that public broadcasters have to serve the public interest in the domain of public communication, and Article 7 defined the public interest through various

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<sup>67</sup> Nenad Čaluković, “Tomislav Nikolić: Smeniću Tijanića isto veče” [Tomislav Nikolić: I Will Fire Tijanić Same Night], *Pressonline.rs*, July 24, 2011.

<sup>68</sup> Article 13 of the Law on Public Media Services, define that RTV operates within the territory of Vojvodina, and its headquarters is in Novi Sad (Article 2).

<sup>69</sup> Radio-television of Vojvodina, “Statut javne medijske ustanove Radio-televizija Vojvodine” [Statute of RTV], 2014, Article 2.

<sup>70</sup> Atila Marton, Radio-television of Vojvodina, editor in chief, interview with the author, June 9, 2015.

obligations.<sup>71</sup> The Law also draws attention to activities PSBs have to undertake in order to ensure public interest. These activities include production, purchase, post-production, and broadcasting the radio, television and multimedia content in the domain of information, education, culture and arts, children, entertainment, sport, faith, and other programs that are important for citizens (Article 3).

The 2014 Law defines a public broadcaster as an independent and autonomous legal entity. The Law provides a sufficient legal basis for its independence by listing the principles of operation of a PSB that should be followed (independence of editorial policy; independence from financing sources; prohibition of any form of censorship and unlawful influence on the operation of the public service broadcaster, editorial team, and reporters, Article 4), by defining the content of the institutional and editorial independence of a PSB (determining concepts and selecting programming, scheduling of programming; organising activities; selecting executive officers, editors-in-chief, and employees; managing financial resources, etc., Article 5) and by stipulating that the method and conditions of securing the means for financing the activity of a PSB must not influence its editorial independence and institutional autonomy (Article 35).<sup>72</sup>

As institutional safeguards for PSBs, the Law defines procedures for the election of their managerial bodies, the Steering Board, and Director General. The Steering Board of the PSB serves as a supervisory body. Board members can be appointed and dismissed by the REM under conditions prescribed by the Law on Public Media Services (Article 17). Steering Board members' mandates last five years and the same person can be appointed as a member for two consecutive terms. New legislation from 2014 broadened the jurisdiction and increased the accountability of the Steering Board. Its new functions include the adoption of the development strategy of PSB, the programming concept, the procurement plan and business plan; control of financial operations, oversight of the legality of activity performance and making transparent elaborated decisions on the election of the Director General and other management positions.<sup>73</sup>

The PSB's/Steering Board Director General has operational powers. According to the new legislation s/he is appointed among qualifying applicants in a public competition by the Steering Board. New legislation introduced the set of criteria

<sup>71</sup> These obligations include a diverse program offer, free formation of individual and public opinion, promotion of the values of a democratic society and human rights, respect for pluralism of ideas, serving of all sections of the population without discrimination, expression of the cultural identity of the Serbian people and other ethnic groups and affirmation of their cultural values and languages, development of media literacy, production of domestic documentary and feature programming, provision of information to domestic citizens about current events in the world, to Serbian citizens abroad and to the foreign public about events in Serbia.

<sup>72</sup> Dr. Jovanka Matić, Institute for Social Sciences, Belgrade, interview with the author, May 29, 2015; See additionally: Dubravka Valić Nedeljković, "Public Service Broadcasters are (not) in the Service of Citizens", Media Observatory, May 20, 2015.

<sup>73</sup> Ibid.

for the election of the Director General. The candidates for this position must have a higher education degree, ten years of experience in senior management positions, and be prominent experts in a relevant field. The candidates for the position additionally have to submit a plan for work and management. The procedure for the election of Director General involves point-voting by the Board members (defined in a special document, adopted by the Management Board). The procedure also involves interviews with all candidates by the Director General who nominates them, with the participation of at least two members of the Steering Board. Neither the Steering Board members nor the Director General can be holders of public office or political party positions.

Recent experiences have demonstrated the lack of transparency, credibility, and independence in the work of the Steering Board. In spite of the fact that the Statute of RTS defines mechanisms for control of the Director General by the Steering Board, it has not been the case in practice. The Steering Board has been marginalized, dominated by the Director General and his unilateral decisions and acts.<sup>74</sup> A study of the minutes of the RTS Management Board meetings in 2012 and 2013 concluded that the Board did not have a single serious expert debate about any agenda topic.<sup>75</sup> Another weak aspect of the Steering Board was and remains its structure. Qualifications for Board members are still vague and general, lacking criteria for judging them as “prominent experts” in the fields of media, culture, management, law, and finance (Article 17). The nine-member Board of the national broadcaster RTS, elected in 2011, had one media expert and two journalists, in addition to two historians, a sociologist, a political scientist, a psychologist and an economist, with no experts in management, law, or finance. Without such expertise, there remains the question of how the Board makes decisions in the crucial domains of the financial and managerial development of PSB.<sup>76</sup> The election of new members of the Management Board of RTS is expected in 2016, after the completion of the 5-year term of the current members, elected in 2011.

The manner in which the former Director General performed his duty was a highly contested issue with regard to the independence and autonomy of the PSB in the previous period. The former Director, Aleksandar Tijanić, was serving his third consecutive mandate as Director General when he suddenly died in 2013. There were many complaints about his management style, some claiming that his mandate was proof of stability as three different governments did not manage to remove him from this position, while others commented that his success was due to his political affiliations and deals with various governments. The new

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<sup>74</sup> Milan Aksentijević, ed., *RTS – Naše pravo da znamo sve* [RTS - Our Right to Know Everything] (Prokuplje: Toplički centar za demokratiju i ljudska prava / Užički centar za demokratiju i ljudska prava, 2015), p. 25.

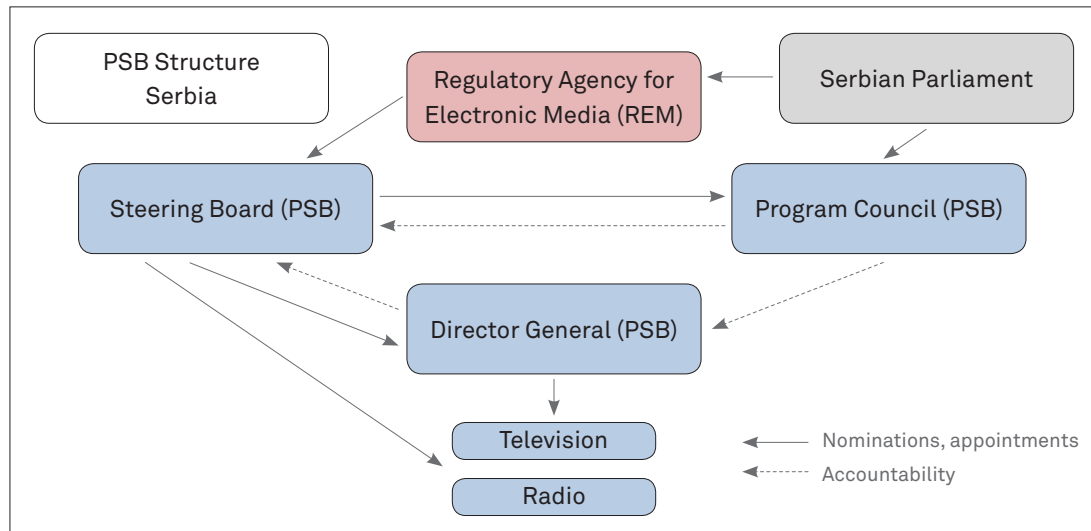
<sup>75</sup> Ibid.

<sup>76</sup> Ibid., p. 23.



procedure for the election of the Director General was applied in the first half of 2015, when Dragan Bujošević was elected as the new Director General.<sup>77</sup>

*Graphic 1: PSB structure in Serbia*



The Serbian regulatory body – the Regulatory Agency for Electronic Media (REM)<sup>78</sup> is responsible for monitoring the activities and services provided by licensed operators, including public broadcasters. The REM annually publishes reports on the compliance of both RTS and RTV with legal requirements in regard to program quotas, advertising, type of production, use of language.<sup>79</sup> Additionally, the REM Council appoints and dismisses the members of the Steering Board of the PSB, by two-thirds majority support among its members. The REM Council launches a public competition for the appointment of the Steering Board members six months before the Board members' tenure expires, in accordance with the criteria prescribed by the Law on Public Media Services (Article 17). It also has a range of powers of sanction, including reprimands, warnings, the power to impose fines, the publication of decisions in the official journal, and suspension and revocation of licences.

<sup>77</sup> The Management Board interviewed 11 candidates (out of 26 applicants) who met the criteria for the position and submitted their plans for the work of RTS. At the beginning of May, the Board elected Bujošević as the new Director General. Bujošević was engaged in political journalism in the press and on TV and is not clearly affiliated to any political party. The election of a journalist to this position could be a sign that the Steering Board has greatest concern for the information programming of the national public broadcaster.

<sup>78</sup> It was established in 2003, under the Broadcasting Act, as the Regulatory Broadcasting Agency (RBA), as a non-convergent regulator. Following the new Law on Electronic Media (2014), the regulatory body was renamed as REM and has been provided with a broader jurisdiction and mechanisms to perform its duties in a more efficient way.

<sup>79</sup> Reports are available online: <http://rem.rs/sr/izvestaji-i-analize/izvestaji-o-radurra> (Accessed on March 10, 2017).

## 4.4 Program of the PSB

The Serbian regulatory body – REM (former RBA) has chosen an administrative non-critical approach, which doesn't take the program quality into account. The last available RBA report (2014) on the fulfilment of program obligations was organized within the framework of the old legislation (new laws were adopted in August 2014). As Matić observed, "that regulatory framework did not provide clear indicators based on which one can evaluate whether RTS and RTV are successful in playing their role of public service broadcasters."<sup>80</sup> According to the 2013 RBA report, RTS 1 was characterized by an absolute dominance of informative (62.24%) and movie and series (13.75%) programs, while RTS 2 programming consisted of less dominant informative (43.22%), and equally represented movie and series (10.01%), scientific (9.82%), music (9.47%), documentary (7.21%), cultural (5.46%), and children's (4.6%) programs. In the case of RTS 1, underrepresented types of programs are children's (1.1%), scientific (0.76%), and cultural (0.09%).<sup>81</sup> RTS has broadcast its experimental digital channel – RTS Digital (now renamed in RTS 3) – since 2009, entirely reporting on culture and arts.

On the other hand, continuous analyses of PSB content by media experts have indicated a high level of content diversity. RTV's second channel had the largest percentage of cultural and artistic content – 20.8% (compared to 7% of RTV 1, 6.6 % of RTS 2, and no program of such type on commercial stations such as B92 or TV Pink). Content on both RTV channels is far more diverse than on the any of commercial TV stations with national coverage in Serbia, while their content differed from RTS due to the lower percentage of informative, entertainment, advertising and, especially, sports programs.<sup>82</sup> According to a study in 2009,<sup>83</sup> both public services had a high plurality index (RTS – 0.83, and RTV – 0.81) when it comes to program type, even larger than programs of public broadcasters

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<sup>80</sup> Jovanka Matić, "To Whom is a Public Service Broadcaster Accountable", in *Legal Monitoring of Serbian Media Scene*, vol. 3 (Belgrade: ANEM, 2010), p. 39.

<sup>81</sup> Republic Broadcasting Agency, Javni servis RTV: Način ispunjavanja zakonskih i programskih obaveza [RTV: Compliance with Legal and Program Requirements]: Izveštaj za 2013. godinu [Report for 2013] (Belgrade: Republic Broadcasting Agency, April-May, 2014).

<sup>82</sup> Jovanka Matić, "Raznovrsnost TV programa u Srbiji" [Diversity of TV Program in Serbia] in *Medijski skener* [Media Scanner], ed. Dubravka Valić Nedeljković (Novi Sad: Novi Sad School of Journalism, 2009), p. 33.

<sup>83</sup> The Novi Sad School of Journalism, for the first time in media research practice, conducted a monitoring focused on the program schemes of the TV stations with national frequencies and the Provincial and National Public Broadcasting Service. The joint publication contains the results of an analysis of the diversity of TV program broadcasting of six TV stations in Serbia – RTS 1, RTS 2, TV Pink, TV B92, RTV 1 and RTV 2. The monitoring of the respective TV stations was conducted over one week (November 10-16, 2008) by the Novi Sad School of Journalism monitoring team. The structure of the TV programs was analyzed according to the program genre, production origin, language and target audience. More in: Dubravka Valić Nedeljković, ed. *Medijski skener* [Media Scanner] (Novi Sad: Novi Sad School of Journalism, 2009).

in Netherlands – 0.75 (measured for 2002 by Cuilenburg).<sup>84</sup> The most diverse programming, RTV 2, broadcasts programs entirely for national minorities in 9 minority languages (Hungarian, Croatian, Roma, Ruthenian, German, Slovakian, Romanian, Ukrainian, and ‘Bunjevački’).<sup>85</sup> Content in the Hungarian language is the most represented. In 2013 programs in Hungarian comprised 27.63% of all programs on RTV2, followed by programs in Romanian (12.2%), Roma (11.72%), Rothenian (11.66%), and Slovakian (10.23%). Content in the Serbian language is also represented with 18.02% (a drastic increase, compared to 3.58% in 2011).<sup>86</sup> When it comes to quality, recent research<sup>87</sup> detected a shortage of intercultural content (reporting on other minorities, inter-minority relations) and a general focus on majority issues, with dominant topics related to politics and economy. When reporting about their own groups, culture had the biggest presence (up to 50% when it comes to content in Hungarian language). This demonstrates that perception of self-community is reduced to culture, arts and folklore, which may strengthen auto-stereotypes as well as the majority’s perception that “minority life” boils down to tradition, dance and music.<sup>88</sup>

There is no assessment or in-depth evaluation of program quality. Just recently, the regulator started to evaluate some elements that could be tied with quality assessment. In its last report, RBA published a section related to representation of gender and meeting the needs of persons with disabilities, and while this is valuable, it is still not enough insight into how public broadcasters are meeting the demands of plurality.<sup>89</sup> Aside from the regulator, Program Councils of the PSBs are in charge of following and assessing program quality as part of their internal structure. According to the Statute of RTS (Article 48) and the Statute of RTV (Article 31), Program Councils are obliged to organize, at least once a year, a public discussion on the PSB program. This public discussion should last 15 days, and main recommendations for program advancement should be presented to the General Manager and to the Steering Board.<sup>90</sup>

<sup>84</sup> Matić, “Diversity of TV Programs in Serbia”, p. 35.

<sup>85</sup> Emisije na TV2, [http://www.rtv.rs/sr\\_lat/program/drugi-program/emisije#informativni](http://www.rtv.rs/sr_lat/program/drugi-program/emisije#informativni) (Accessed on May 14, 2015).

<sup>86</sup> Republic Broadcasting Agency, RTV: Compliance with Legal and Program Requirements, p. 60.

<sup>87</sup> The research team of the Novi Sad School of Journalism undertook an in-depth quantitative and qualitative analysis of the content in minority languages, including RTV, in order to detect the trends and quality of reporting. This analysis of content of minority media in the Hungarian, Croatian and Romani languages was carried out from February to September 2012.

<sup>88</sup> Davor Marko, “Affirmatively and Uncritically About Self-Group, Insufficiently About Others”, in *Freedom, Access, Marginalization*, ed. Davor Marko (Sarajevo: Media Plan Institute, 2013), pp. 76-89.

<sup>89</sup> Matić, *Service for Citizens or Service for Government*, pp. 157-158.

<sup>90</sup> Radio-television of Serbia, “Statut Javne medijske ustanove Radio-televizije Srbije” [Statute of RTS], 9 April, 2015, Article 48; “Statute of RTV”, 2014, Article 31.

PSBs rarely use a variety of sources in their informative program in order to report in a professional and objective manner. As Matić observed<sup>91</sup> the information programs of RTS “produced a thematically universal picture of reality which was dominated by the opinions of authorities that were rarely problematized or opposed.”<sup>92</sup> Existing research on the treatment of political subjects during the election campaign (in 2012) shows that two different political options had equal treatment and opportunity to present their programs. Primetime news on RTS2 provided equal time for the two dominant political options, the Democratic Party (in power until 2012), and the Serbian Progressive Party (in power since 2012).<sup>93</sup> This report indicated that those in power used their political positions (presidential, prime minister, city mayors, etc.) to attract media, including PSB, attention and promote exclusively their own party. According to the Ombudsman’s report, it has become the common practice of public officials and politicians, “to personally and publicly accuse the media of being against them or maintain that foreign mercenaries are working against the interests of the state.”<sup>94</sup> As indicated in the Media Sustainability Index report for 2014, “RTS and RTV are trying to keep some balance in their editorial policy, but especially on RTS, it is evident that more time is given to parties in the ruling coalition.”<sup>95</sup>

When it comes to media policies in the domain of pluralism and diversity, the media public/audience is a neglected element. In the absence of systematic studies of media audiences in Serbia and their needs and habits in media consumption, the only source related to the audience are those measuring the popularity of television and certain programs on TV. The most popular programs in Serbia are of entertainment and sensational character, such as popular TV series, reality shows, and sports events.<sup>96</sup> The law regulating public media services in Serbia obliges PSBs to operate in the name of the public interest, and the second paragraph of Article 6 states that “the responsibility of the public service broadcaster to the public and the public’s influence on the public service broadcaster’s activity shall be exercised particularly through the public’s involvement in enhancing radio and television programming.” This sounds promising and clearly indicates that the PSB has to take an active role towards its audience. But, in practice, this active and incentive role of the PSB is not being

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<sup>91</sup> This report includes in-depth evaluation of the primetime news content on RTS (the monitoring period was December 2010, and the study was published in 2014).

<sup>92</sup> Matić, *Service for Citizens or Service for Government*, p. 158.

<sup>93</sup> Zoran Gavrilović et al., *Mediji u izborima* [Media during Elections] (Belgrade: Bureau for Social Research, 2012), p. 45.

<sup>94</sup> Protector of Citizens, Ombudsman of Serbia, *Redovan godišnji izveštaj Zaštitnika građana za 2014. godinu* [Annual Report of the Protector of Citizens] (Belgrade: Protector of Citizens, March, 2015), p. 123.

<sup>95</sup> International Research and Exchanges Board (IREX), “Serbia”, in *Media Sustainability Index 2014*, (Washington: IREX, 2014), p. 114.

<sup>96</sup> Nielsen Audience Measurement Serbia.

exercised. Additionally, the Law foresees that the public service should express plurality in terms of sources and diverse content, and to be directed towards a varied audience, without defining the way in which contact with the audience should be realized. Even if the PSB, following instructions prescribed in the law and reports made by the regulator (RBA reports of 2010; 2011; 2012; 2013; 2014) to improve the scope of programs related to children, or vulnerable groups, or in the domain of culture, there is no guarantee that these programs will reach the abovementioned target audience, making requirements for the production and broadcasting of various programs seem pointless. The law and the PSB itself must stimulate the public in other ways, developing approaches and mechanisms to empower their audience in the active use of plural media content.

## 4.5 Financial Aspects of PSB

RTS has managed to become a popular and attractive media institution in Serbia. Its RTS 1 program had the largest audience in the country from 2006 to 2012, with the exception of 2010, with a 20-26% audience share. In 2013, 10 of the 20 most popular television shows were aired by RTS, including its primetime news program.<sup>97</sup> Compared to PSB, the leading commercial station, TV Pink, remained the second most popular station during the same period with an average of about 23%, and reaching its peak in 2010, with 23.6%.<sup>98</sup> The popularity of its programming made RTS attractive in the domain of marketing. The marketing activities of RTS, in recent years, have been driven in two ways – through the direct selling of advertising space to various clients, and selling advertising space to marketing agencies. Available data shows that incomes that resulted from cooperation with marketing agencies were much higher than those resulting from direct contact with clients.<sup>99</sup>

The license fee was the main funding model of the PSB in Serbia after its inception, and until its abolishment in 2014. According to the Broadcasting Act (2002), additional sources of funding besides the license fee also include advertising incomes.<sup>100</sup> By virtue of the new Law on Public Media Services from 2014, the license fee was abolished, and replaced by a tax. According to Article

<sup>97</sup> Matić and Valić Nedeljković, “Serbia”, p. 363.

<sup>98</sup> Jelena Surčulija, Biljana Pavlović and Đurđa Jovanović Padejski, *Mapping Digital Media: Serbia* (London: Open Society Foundation, 2011), p. 20.

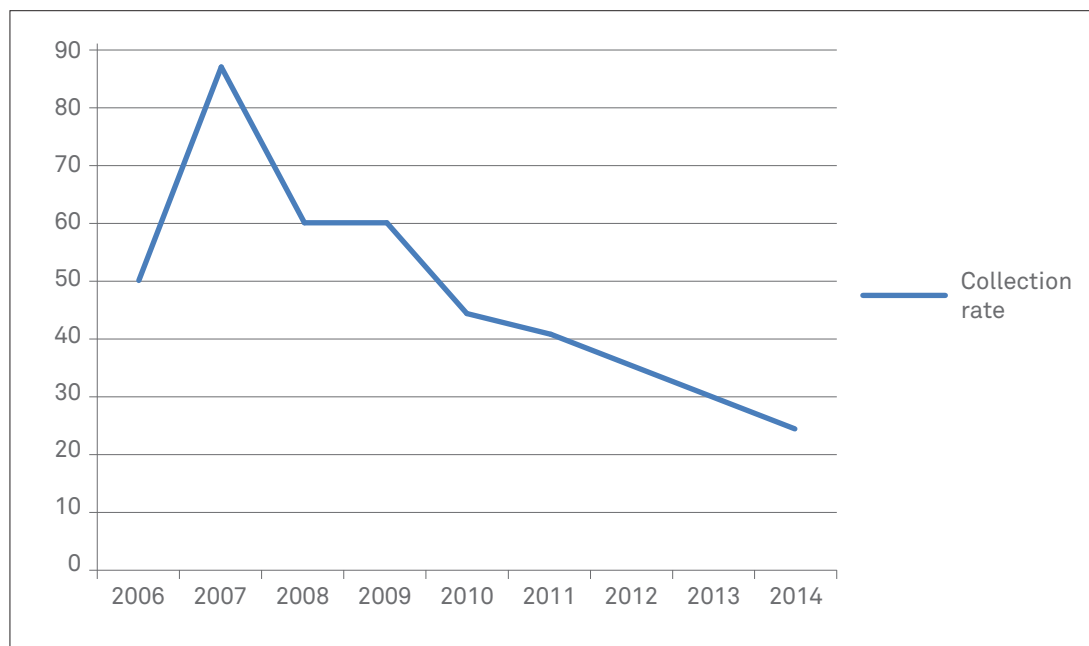
<sup>99</sup> For example, in 2011, RTS incomes from marketing activities were EUR 21.6 million (out of which EUR 14.2 million was the result of cooperation with marketing agencies,). In 2012, RTS earned EUR 23.2 million (EUR 15.5 million through marketing agencies) and in 2013 incomes were EUR 15.9 million (EUR 11.8 million through marketing agencies). See: Aksentijević, *RTS - Our Right to Know Everything*, pp. 46-49.

<sup>100</sup> “Zakon o radiodifuziji” [Law on Radio-difusion], *Official Gazette of RS* 42/02, 97/04, 76/05 and 79/05.

36 the main sources of funding are the public service broadcaster tax, the state budget, and net profits from commercial exploitation of content that is produced within the main activity of the PSB (all three type of revenues represent state aid), and an additional two – commercial and other revenues. Article 37 states that the main activity of the PSB shall be financed from a tax that will be uniform within the entire territory of Serbia. The amount will be determined by the Steering Boards of the two broadcasters, RTS and RTV, and it will enter into force in 2016.<sup>101</sup>

Regardless of the variety of financial sources prescribed by law the PSB in Serbia has failed to become financially stable. Since its inception, RTS has operated at a loss. In 2012, by official balance sheets, RTS recorded a loss of about 11 million EUR. The main cause of reduced revenues is a constant decline in the amount of collected licence fees. The collection rate started dropping after the 2008 economic recession, when it was below 50 percent. The normal functioning of public service broadcasters, by some estimates, requires a collection rate of 75%, or about 100 million EUR annually for normal functioning. In 2011, it collected 75 million, a year later 70, and in 2013 66 million.<sup>102</sup>

Graphic 2: License fee collection rate in Serbia (2006-2014)



Sources: Statement of RTS officials; Ant-corruption Council report (2015)

<sup>101</sup> “Zakon o javnim medijskim servisima” [Law on Public Media Services], *Official Gazette of RS* 83/14.

<sup>102</sup> V. Milovanović, “Tijanić: Javni servis preuranjena ideja za Srbiju” [Tijanić: Public Service as an Avanguard Idea], *Blic*, February 14, 2013.

The 2015 Anti-Corruption Council report calls into question the abovementioned estimates and amounts regarding RTS operation. The report indicated that RTS incomes (both from license fee and total) were far higher than the former General Director represented. According to this source, in 2011 the total incomes for RTS were EUR 142.2 million, while through the license fee this public media earned EUR 118 million. This amount slightly decreased in the following years; in 2014 it was EUR 77.3 million in total, while from the license fee RTS collected EUR 62.5 million.

*Table 3: Income of RTS (2011 – 2014), in EUR millions*

Year	License fee	Marketing and commercial activities	Total
2011	118	24.1	142.2
2012	108.4	24.7	133.1
2013	109.2	18.3	127.5
2014	62.5	14.9	77.3

Source: Anti-corruption Council, 2015, p. 76

The lack of transparency in the financial operation and reporting of RTS is one of the main obstacles to its functioning. With the exception of the Report of the Anti-Corruption Council, there are no public documents from later years that show the shares of the licence fee and advertising in the revenues of RTS and the way they were spent. For example, the most frequent source of information on financial operations from 2008 was the Director General Aleksandar Tijanić. He refused several times to provide public institutions with information on RTS financial operations. He preferred to pay a fine for violating the Law on Access to Information.<sup>103</sup> The abovementioned figures clearly indicate that incomes from the license fee were large enough to cover all expenses and needs of the PSB, and the reasons to advocate for direct budget financing were strictly political, and not the result of any public or expert discussion on this topic. The non-transparent and illegal operation of RTS under Tijanić's mandate, especially in the domain of financial management, continued to be a highly contentious issue. This was experienced by the research team of several NGO actors who were obstructed by the management of RTS – the acting director general and president of the

<sup>103</sup> Anti-Corruption Council of the Government of the Republic of Serbia, *Izveštaj o pritiscima i kontroli medija u Srbiji* [Report on Pressures on and Control of Media in Serbia] (Belgrade: Anti-Corruption Council of the Government of the Republic of Serbia, 2011), p. 36.

Steering Board – from getting answers on the financial operation of this public media.<sup>104</sup>

Finally, the public broadcaster failed to establish the tax system, as the primary source of funding. It was prescribed by the Law (2014) that a tax would become the primary source of funding starting from 1 January, 2016. Due to collision with the Law on protection of personal data (2009), public services were prevented from creating a data base of those who should pay the tax, and those who were exempt from this obligation. Without having an updated data base, which is an obligation under the Law's article 39, it is hard to manage the process of tax collection, and control the overall process in line with legal provisions.

## 4.6 Technological Aspects: Digitalization, New Media and Convergence

Serbia completed the process of switching off the analogue and transitioning to digital signal at the beginning of June 2015, with many inconsistencies and politically-motivated obstacles.<sup>105</sup> The initial date was set for the first half of 2012 but the end of the process was delayed due to the state's inconsistent decision-making regarding the transition to digital and the lack of preparedness of the state, broadcasters, and citizens. The Serbian Government took the leading role in this process, and the inconsistency in the decision-making could be observed by the pure fact that the jurisdiction over the process was changed five times between 2006 and 2015 depending on the political affinities of the ruling coalitions that governed Serbia.<sup>106</sup>

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<sup>104</sup> For the project – “RTS: Our right to know everything,” the research team tried to collect information, supposedly public and transparent, and to answer questions related to the amount of financial resources that RTS has, the employee structure and systematization of work positions, the amount and structure of financial investments in program contents, the amount and mechanism of collecting incomes on the market, and the way that available resources were spent. After almost one year (the first official request was sent on 25 March, 2014), and seven requests for access to information of public importance, and only after the intervention of the Commissioner for Information of Public Importance, RTS management gave a positive reply on 4 March, 2015, asking the research team to come to their premises to search for the necessary information which was “contained in more than 100,000 pages.” See: Aksentijević, *RTS: Our Right to Know Everything*, pp. 20-21.

<sup>105</sup> As agreed with the International Telecommunication Union (ITU) at a meeting in Geneva, 2006, the Republic of Serbia committed to end the transition from analogue to digital broadcasting by June 17, 2015.

<sup>106</sup> From 2006 to 2008 the Ministry of Culture and Information was in charge, from 2008 to 2011 the Ministry for Transport and Infrastructure, in 2011 the Department for Digital Agenda, which then became part of the newly established Ministry of Culture, Media and Information Society. In 2012, the Ministry for Foreign and Internal Trade and Telecommunications took over the process, while in 2014 the same political actors who formed the Ministry of Trade, Tourism and Telecommunications were in charge of finalizing the digital switchover. See: Aleksandra Krstić, “Digital Switchover in Serbia in a Comparative Perspective”, *International Journal of Digital Television* 5, no. 3 (2014), pp. 241, 244.



The technical precondition of the successful process of digital switchover was the establishment of the public company Broadcasting Equipment and Communications (ETV), which was part of RTS until autumn 2009. The ETV was in charge of establishing primary and secondary networks for transmitting and digital broadcasting. ETV, part of RTS, caused many problems for other broadcasters on the market – enabling RTS to control and manipulate the signal and transmitting process, competing with the commercial industry on the advertising market. Between 2010 and 2014, Serbia got financial assistance from the EU through the IPA fund to cover a part of the costs regarding the digital network building. As a result, the country managed to expand the digital TV signal within the Initial Network from 40% of the population in 2012 to more than 90% by the end of the process, in June 2015.<sup>107</sup> According to the plan, digital signal would be provided on the terrestrial platform through 3 multiplexes – multiplex 1 (programs with nationwide coverage including PSB channels, with 95% coverage), multiplex 2 (regional and local programmes, 90% coverage), and multiplex 3 (regional and local programmes or PayTV, 90% coverage).<sup>108</sup> In both strategies related to the development of broadcasting - the Strategy of Broadcasting Development of the Republic of Serbia (2005) and the Strategy for Switchover from Analogue to Digital Broadcasting of Radio and Television Programs in the Republic of Serbia (2009) – Serbia opted for DVB-T2 standard with MPEG-4 compression,<sup>109</sup> which is widely accepted today and in use in Europe.<sup>110</sup>

According to the Strategy for Digital Switchover (2009),<sup>111</sup> public service broadcasters had to play an important role in the public campaign on the digitalization process. The campaign started on September 1, 2014, and lasted until the end of the switchover in June 2015. As part of this process, which included public messages, videos and explanations, the research center of RTS conducted two surveys in order to identify the attitudes, knowledge and further needs of citizens in Serbia in regard to the digitalization process. Initial research from November 2014 revealed that a majority of citizens (87.6%) had heard about the process. Citizens generally weren't aware of the technical equipment

<sup>107</sup> Sources: Ministry of Foreign and Internal Trade and Telecommunications, Delegation of the EU in Serbia.

<sup>108</sup> Irini Reljin, "Future Plans: Serbia Digital Developments," DigiTAG, 19th General Assembly, December 17, 2014.

<sup>109</sup> In July 2009, the Government of the Republic of Serbia adopted DVB-T2 as the technical standard for television signal broadcasting, and MPEG-4 Part 10 (ITU-T H.264/AVC) as the technical standard for data compression within multiplexes.

<sup>110</sup> Prof. Dr Irini Reljin, opening speech at the conference "TV – From Evolution to Revolution" – organized on 17 June, 2015, by Radio-Television of Serbia and the Media department of the OSCE Mission to Serbia.

<sup>111</sup> "Strategija za prelazak sa analognog na digitalno emitovanje radio i televizijskog programa u Republici Srbiji" [Strategy of Digital Switch Off in the Republic of Serbia], *Official Gazette of RS* 52/09 and 18/12.

they needed to reach the digital signal. Only 4.6% of those surveyed knew that Serbia had opted for DVB-T2 standard. As a result of digitalization most citizens expected better quality of the sound and picture (83.8 %), more choice when it comes to channel offer (66.9%), non-linear consumption of content (60.9%), etc. More than 90% said they wanted to be more informed about digitalization, and as the most appropriate channels they mentioned television (43.9%) and internet (21.9%).<sup>112</sup>

Up to the end of 2016, RTS still didn't have a development strategy that would deal with the challenges of digital broadcasting and convergence. This mainly resulted from the fact that its new management was elected in May 2015. When it comes to technical aspects, most of its production capacities were already adapted and upgraded to serve the high standards and demands of digital production. RTS started with digital broadcasting as early as in 2005. "According to the Broadcasting act of 2002, RTS had an obligation to adopt new technologies in program production. As a result we started to develop our services, which resulted in the first digital channel – RTS Digital – in 2008, which covers the area of culture and arts."<sup>113</sup> In 2008, RTS Digital was launched as an experimental channel, with 16:9 image, which served as a model of the transition from analogue to digital television, providing viewers with 24 hours a day of culture, arts, concerts, documentaries and film programs including both local and foreign production. According to an ABG Nielsen survey, it has an audience of 1 million per month (20,000 to 50,000 per day). As its editor said, the launch of RTS Digital was driven by two motives: "It was important to provide a channel with missing topics, which was the case with culture and high arts, and this was also important for our internal development."<sup>114</sup> Another program – RTS HD – was launched in 2009. It combines the program schema of unconverted RTS 1 with live coverage of various events in high image resolution.<sup>115</sup> In order to develop its service, RTS also applied 5.1 stereo sound and audio descriptor intended for blind and visually impaired consumers as services that are non-commercial by nature and are available in the digital era.

Radio-Television of Vojvodina (RTV) adopted its development strategy in 2013,<sup>116</sup> including the introduction of new convergent services. Within the first phase of convergence, in its strategy plans RTV aimed to create unique and small newsrooms where journalists from both television and radio would work together. This plan relates to the minority newsrooms in Ukrainian, Croatian, Macedonian,

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<sup>112</sup> N. Senić and S. Josifović, *Građani Srbije o digitalizaciji televizije* [Citizens of Serbia on Digitalization of Television] (Belgrade: RTS - Centar za istraživanje javnog mnjenja, programa i auditorijuma, November 2014), p. 5.

<sup>113</sup> Dr Tatjana Ćitić, RTS 3 (former RTS Digital) editor in chief, interview with the author, June 23, 2015.

<sup>114</sup> Ibid.

<sup>115</sup> RTS Public Service Media, Belgrade, 2015.

<sup>116</sup> Radio-television of Vojvodina, *Strategy 2013-2017*.

Romany, Bunjevački, and also Montenegrin. All program content from minority languages will be synchronized and translated into the Serbian language, which is considered to be a bridging mechanism between the different minority groups. Also, at the level of RTV a joint news desk will be created and this unit will coordinate the planning, operation and distribution of media content produced by all minority newsrooms. And finally, a joint correspondent network will be created and cover all parts of the Autonomous Province of Vojvodina.<sup>117</sup>

Both RTS and RTV use a wealth of social media to expand their impact and fulfill their PSB role. RTS has a modern and very live web portal ([www.rts.rs](http://www.rts.rs)), its Facebook page 'Internet portal RTS', official YouTube Channel and 15 sub-channels (for special TV shows), and Twitter account. As the editor of former RTS Digital says, "there is a very close connection between informative program and web portal. The system of the newsroom is now connecting all our services, and it is easily to manipulate, select and publish information on various platforms. We tend to empower and educate our journalists to collect information in various formats when reporting from the field in order to prepare them for being published on various platforms. Like BBC journalists are doing now."<sup>118</sup> RTV also has a modern web portal ([www.rtv.rs](http://www.rtv.rs)), Facebook page 'Radio-televizija Vojvodine', official YouTube Channel and 10 sub-channels (out of which the special humoristic show 'Državni posao' is the most popular) and Twitter account. The web portal of RTV was redesigned in 2013, with the main editor's and coordination role performed by the web editor in chief, while each online platform has its own editor. "For social networks we have a community management team, consisting of only three people, one in charge of FB and Twitter, and another for YouTube. Currently we have no opportunity to hire more people, but these small teams are supported by journalists during the process of selecting and publishing information."<sup>119</sup>

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<sup>117</sup> Goran Bulatović, Ljiljana Bulatović and Olja Arsenijević, "Strategija konvergentnog Javnog servisa Vojvodine" [Strategy of Convergent Public Service in Vojvodina], in *Digitalne medijske tehnologije i društveno-obrazovne promene* [Digital Media Technologies and Socio-educational Changes], ed. Dubravka Valić Nedeljković and Dejan Pralica, 4 (Novi Sad: Faculty of Philosophy, 2014), pp. 64-65.

<sup>118</sup> Dr Tatjana Ćitić, interview with the author, June 23, 2015.

<sup>119</sup> Dejan Marjanović, RTV, editor of multimedial program, interview with the author, June 20, 2015 (via e mail).

## 5.

# Discussion

In Serbia, the debate on the necessity, status, and role of PSB started in 2000, following political changes in the country.<sup>120</sup> It was unanimously agreed among politicians, media professionals, leading media scholars, and representatives of the international community, that Serbia had to establish a PSB system as a viable element of its enacting democracy. The new broadcaster was to bear no or very little resemblance to the regime-controlled institution that RTS was during the 90s, with its bad reputation, political control and lack of technical and human resources for transformation.

At the beginning, it was not completely clear whether the new public broadcaster would be established from scratch, or whether it would succeed the old one within the democratic process usually labelled ‘transformation’. From a formal point of view - that which was provided in public appearances, discussions, and legal documents - it was indicated that the new broadcaster would be newly established. However, initial documents on the necessity for a new PSB in Serbia indicated the “aspects of RTS’s transformations“ and listed the need for new legislation, content of the highest quality, a representative structure, public funding, and channels representing territorial and linguistic diversities as the most important.<sup>121</sup> Such a conceptual disagreement highlighted the initial lack of strategic re-thinking on the establishment of the public service in Serbia and indicates mere verbal support of this process that was considered a necessary part of democratization.

Perceived dominantly as a viable indicator of democracy, the idea and concept of PSB in Serbia was imported and formally accepted, but not contextually questioned and discussed. At the beginning of its establishment it was neither discussed nor fully understood what the essential role of PSB in a democratizing society is, which preconditions have to be fulfilled in order for PSB to be functional, and which model of PSB most suits the Serbian social, political, and cultural context. The debate largely focused on political control, financial survival and technical aspects, but not on conceptual issues, such as the role of civil society, audience, the values defining its remit, and the public interest it

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<sup>120</sup> This was the year that the authoritarian leader Slobodan Milošević was overthrown and his regime was replaced by democratic forces that already established a consensus on the necessity of the democratization and Europeanization of the country.

<sup>121</sup> Discussion held during the conference – “Media for democratic Europe”, organized from December 10 to 12, 2000, in Belgrade.

has to promote. The debates concerned the role of the PSB during the Milošević era, basic regulation issues and the question of its political (in)dependence, regionalization in terms of pluralism and diversity provisions (in the case of RTV), financial problems and funding model (with a focus on how to collect the funds, not a discussion on the essential question -- whether the PSB should be financed at all), technical issues of digitalization - but not the “scarcity” debate, and finally the market distortion argument.

The legacy of socialism combined with the authoritarian rule and harsh control over the media by Milošević’s regime during the 1990s played an important role. Milošević’s dictatorship, and his control over the media, including RTS, as tools of government propaganda and for forging war,<sup>122</sup> prevented the democratization of Serbia and the transformation of its public broadcaster during that period. The RTS was the regime’s main mouthpiece, usually called ‘RTV Bastille’ or ‘black box’ due to its instrumental and negative role in this period.<sup>123</sup> Following the democratic changes in 2000, the PSB reform faced different kinds of challenges, the most significant of which was the people’s perception of RTS as a tool for political propaganda and as a symbol of the authoritarian Serbian regime of Slobodan Milošević. This challenge corresponded with the effort of the international community to create an independent, politically neutral, professional, privately owned broadcaster with a public mission, which was the case with RTV B92. Being a symbol of media professionalism and resistance against authoritarianism, B92 was a brand recognized among Serbian citizens, but also among international actors.<sup>124</sup> In spite of this, due to its lack of technical resources (compared to RTS), undeveloped market and advertising activities, and competition from other commercial broadcasters, RTV B92 failed to fulfill its public mission and today it is an average public broadcaster with low ratings (compared to RTS).

Due to the legacy of Milošević and the introduction of a private competitor serving the public interest – B92 – Serbian citizens continue to perceive RTS as reflecting official state politics. This partly results from the deficient regulation enacted after the democratic changes in 2000. This regulation did not provide a clear definition of the public interest, and only a few (19 out of 131) articles

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<sup>122</sup> Mark Thompson, *Kovanje rata* [Forging War] (Zagreb: Hrvatski helsinški odbor; Građanska inicijativa za slobodu javne riječi; ARTICLE 19, 1995); Kemal Kurspahić, *Zločin u 19:30: Balkanski mediji u ratu i miru* [Prime Time Crime: Balkan Media in War and Peace] (Sarajevo: Mediacentar, 2003).

<sup>123</sup> Veljanovski, *Public Service Broadcaster to Serve Citizens*.

<sup>124</sup> After 2000, international assistance was fundamental for the establishment of TV B92, and transforming the former counter-regime media into a sustainable commercial media system. Technical and financial assistance provided by USAID and the EU was crucial not only for its establishment, but also for improving the unfair position in which TV B92 found itself at the beginning of its operation. See more: Marko, *Media Reforms in Turbulent Times*.

of the Broadcasting Act (2002) dealt with public service broadcasting.<sup>125</sup> As a result, ownership over the PSB was unclear, and in addition to the citizens, even some scholars indicated that media policy and legislation in Serbia, reflecting European principles and practices, was instrumentalized by political players,<sup>126</sup> which evidently affected the integrity of this media institution. In addition to this, the initial regulation didn't define programming requirements in a measurable and verifiable way and also lacked procedures for the PSB remit assessment and sanction mechanisms for its failure. As agreed among leading scholars on PSB, media lawyers, and representatives of institutions and authorities in Serbia, the current laws (enacted in 2014), brought certain improvements when it comes to the regulation of PSB. The most important achievement of this legislation is the fact that it prevented public broadcasters from shutting down by introducing budgetary funding as a temporary model and announcing a tax as the future and permanent funding model.<sup>127</sup> When it came to the PSB remit, the debate tackled the scope and breadth of the definition of public interest. According to some scholars, this is not a permanent but a changing category and it should not be explicitly defined by the law.

The very definition and status of PSB in Serbia is framed within the institutional paradigm and the 2014 regulation recognizes only RTS and RTV as legitimate public service broadcasters. Some media experts are rather in favour of the combined principle – functional-institutional, since in practice both public and commercial media “should fulfil the function of the public service broadcaster”<sup>128</sup> and the function of the public service broadcaster may be exercised by other providers of media services, although this is not expressly provided for in the law<sup>129</sup>. For example, the Law on Public Information and the Media (Article 16, Item 4) foresees that the public interest could be achieved through co-financing of projects in the field of public information. In this regard, each media service provider, including commercial media, can fulfil the public interest in the field of public information, and thus, in a certain area, also serve as a public service broadcaster. Another piece of legislation, the Law on Electronic Media (Article

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<sup>125</sup> Jovanka Matić and Dubravka Valić Nedeljković, “Media Integrity Research: Serbia”, 2014, <http://mediaobservatory.net/radar/media-integrity-research-serbia> (Accessed on November 9, 2014).

<sup>126</sup> Aaron Rhodes, *Ten Years of Media Support to the Balkans: An Assessment* (Amsterdam: Media Task Force of the Stability Pact for South Eastern Europe, 2007), p. 28.

<sup>127</sup> Saša Mirković, interviews with the author, May 27, 2015; Slobodan Kremenjak, interview with the author, May 27, 2015.

<sup>128</sup> This is extracted from the comments made by lawyer Vladimir Vodinelić during the public discussion on the Law draft. His comments are available online: <http://www.kultura.gov.rs/cyr/dokumenti/javne-rasprave/javna-rasprava-o-nacrtu-zakona-o-javnim-medijskim-servisima> (Accessed on May 17, 2015).

<sup>129</sup> Ministry of Culture and Information, *Odgovor na komentare tokom javne diskusije* [Responses to Comments during the Public Discussion]. <http://www.kultura.gov.rs/cyr/dokumenti/javne-rasprave/javna-rasprava-o-nacrtu-zakona-o-javnim-medijskim-servisima> (Accessed on May 17, 2015).

72) foresees the possibility of providing civil sector media services, which are provided to meet the needs of the interests of certain social groups and citizens' organizations, which could, in some way, be considered as a function of the public service broadcaster.

Since its establishment in 2006, guarantees of the editorial independence of PSBs in Serbia have not been established either in the law or in their internal acts.<sup>130</sup> Instead of being a guarantee of a stable framework and guaranteeing the independent work of the media, the legislation suffers from what scholars call 'floating law' syndrome.<sup>131</sup> Due to the fact that the government acceded to change and amend laws related to the work of RTS and the regulatory body which supervises its work (the RBA, which is also in charge of nominating RTS Board members), their level of autonomy decreased, opening a space for indirect political control (for example, through elected RBA Council members who are close to certain political parties).

In spite of the fact that the PSB has managed to become a popular media institution,<sup>132</sup> its editorial policy has garnered much criticism. One line of criticism addresses its commercialized and sensationalized content, such as popular TV series (usually re-emitted several times), reality shows, and sports and entertainment programs. While the former management defended this editorial policy, claiming it helped them to build the most popular TV station in Serbia, others (mostly media experts, researchers, and professionals from media associations) pointed out that PSB should not compete with commercial TV broadcasters on the basis of program and ratings. Rather, it should cover a range of topics, genres and issues, including those that are deficient on the market (children's programs, documentary programs, programs in minority languages). Instead of being distinct, the program of Serbian PSB (mainly RTS), is similar to that of private media.<sup>133</sup> However, recent research, and interlocutors interviewed during this research, indicated the case of RTV as positive, especially its second channel aired in 11 minority languages. In spite of constant struggle with the lack of financial, technical and human resources, and recently faced with strict political pressures, RTV has demonstrated the importance of its social cohesive role played in an inter-cultural environment such as the Province of Vojvodina.

Funding is the core problem for PSB in Serbia. Since its inception, by the Law in 2002, the license fee model of funding has been widely discussed and criticized. Some of its critics were politically motivated, some targeted the way this model was implemented (through the electricity bill) and linked that with poor outcomes (the constant decrease in the numbers of those paying it, especially

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<sup>130</sup> Matić and Valić Nedeljković, "Serbia", p. 364.

<sup>131</sup> Marko, *Media Reforms in Turbulent Times*.

<sup>132</sup> RTS 1 was the most watched television station in the country from 2006 to 2013, with the exception of 2010, with a 20-26 percent audience share.

<sup>133</sup> Matić, "Diversity of TV Programs in Serbia", pp. 24-69.

after 2008 due to the economic crisis and political sabotage), while media experts and scholars were mostly in favor of this model, resisting its abolishment in 2014. There was almost no debate in Serbia regarding other ways of funding, for example advertising, budget funding, or donations, but some voices from the private sector and media professionals complained about the RTS operation regarding the growing amount of popular programming and the use of public money to produce something that is similar to the program of commercial broadcasters. So far, there is no single study or comprehensive discussion on the potential(s) model(s) of RTS's funding in line with the local context, economy, PSB resources and capacities, etc.

Recently, the questions of digitalization and media convergence have become part of mainstream debate. Following digital switch off, and debates on the global level, it is obvious that crucial questions on the role of PSB in a multi-channel environment and challenges to its privileged status have not been widely discussed in Serbia. RTS played an important role in the promotion of the process of digitalization, being privileged by the state, while commercial stations, cable operators and IPTV providers were already involved in the process, and have employed digital production. Debates around this issue mainly tackled the technical aspects of digitalization (who will produce, how programs will be distributed, who will provide and control the distribution of programs, how multiplexes will be organized and what they will contain, etc.) while the essential questions on the necessity of PSB in a multichannel environment, its capacities to produce more programs than before (with higher production and technical quality), and debates around the 'scarcity' argument (what PSB should offer in order to be distinct from other program producers, and to fulfil its remit) remained outside of mainstream discussions.

In Serbia there is no wide debate on the convergence of services and products provided by the PSB in the era of digitalization. The public debate on digitalization was mainly linked with the digital switchover. Strategic documents in the domain of digitalization in Serbia<sup>134</sup> mainly discuss the technical aspect of the process, the current situation, and obstacles, using general phrases (such as privatizations, allocation of frequencies, transformation of RTS),<sup>135</sup> without providing any vision of the future development of the media sector, including public media, using the possibilities that digitalization creates. The

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<sup>134</sup> "Strategy of Digital Switch Off in the Republic of Serbia"; "Strategija razvoja elektronskih komunikacija u Republici Srbiji od 2010. do 2020. godine" [Strategy on Development of Electronic Communication in the Republic of Serbia], *Official Gazette of RS* 68/10; "Strategija razvoja sistema javnog informisanja u Republici Srbiji do 2016. godine" [The Strategy for the Development of the Public Information System in the Republic of Serbia until 2016], *Official Gazette of RS* 75/11; "Strategija razvoja radiodifuzije u Republici Srbiji do 2013. godine" [Strategy of Development of Radio Difusion in the Republic of Serbia until 2013], *Official Gazette of RS* 115/05.

<sup>135</sup> Snježana Milivojević, "Medijska strategija za digitalno doba" [Media Strategy for Digital Age], Peščanik.net, November 9, 2009.



Radio-Television of Vojvodina (RTV) adopted its strategic document in 2013, as a result of intensive discussion with dozens of media professionals, experts, civil society and academia representatives, and with the support of the European Broadcasting Union and the OSCE.<sup>136</sup>

The Law on Public Media Services enables the public media to develop new services, which provides a good ground for further development. While RTS has already launched two experimental channels – RTS Digital covering culture in 2008 and RTS HD covering various events and mainly sports in 2009 – the provincial RTV stations, though recognizing new technologies, new media, and new ways of production as important in their future in their 2013 strategy, have yet to fully implement any of these plans in practice. As Ćitić, editor in chief of the former RTS Digital, said, “We are still waiting for the revolution and full implementation of what digitalization brings. For that we need certain technical conditions to be fulfilled.”<sup>137</sup> For her, the current Law on Public Services (2014) provides a fruitful ground for new services to be developed. According to Article 14, the law prescribes that PSM (Public Service Media) can start with a new media service, “Radio or television or audio, or audio-visual media service on demand, if its entire influence on the market is justified with additional value in terms of the fulfillment of the democratic, social and cultural needs of society and program requirements regulated by Article 7 of the Law.”

Another uncertain and still under-debated issue is related to the audience, being fragmented in Serbia and mostly ‘seduced’ by commercial content and reality shows. It is generally believed that PSB/PSM must respond to this challenge in accordance with their social cohesiveness role, and use the advent of new media and convergent services to positively impact the society.<sup>138</sup> In Serbia, there is still no research on the media public and their habits, trends in use of new media, affinities, and expectations. Consequently, there is a lack of knowledge and observed trends in media consumption, important for PSB to define its strategy in this regard. There is almost no public discussion or strategic orientation on the integration and use of social media in the PSB operation.

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<sup>136</sup> Radio-television of Vojvodina, Strategy 2013-2017.

<sup>137</sup> Dr Tatjana Ćitić, interview with the author, June 23, 2015.

<sup>138</sup> The 2015 European Broadcasting Union annual conference (held on September 13 and 14 in Geneva) agenda was to discuss, analyze, evaluate and communicate the positive impact PSM has on society. See more at: <http://www3.ebu.ch/news/2015/09/ebu-knowledge-exchange-2015---me#sthash.y1p9heBq.dpuf> (Accessed on June 7, 2016).

## 6.

# Conclusion

This paper has identified and discussed the contextually relevant aspects of the PSB transformation in Serbia. Following ongoing debates on the PSB role in a changing environment, it has argued that discussions on the status, role, and future of PSB in Serbia are far behind those at the global level. In Serbia, the debate is still focused on the survival of PSB either as a public service or a state funded public broadcaster, while in Europe the debate over PSB legitimacy is even more polarized, between those who advocate for a re-defined PSB in a changed environment, and those who follow market logic and use neoliberal arguments to de-legitimize PSB.

Key problems with PSB operation in Serbia relate to the funding model, the lack of transparency in its operation and the partly politicized program. Ten years after its establishment, PSB in Serbia still has uncertain funding with no developed internal capacities to operate as a financially independent institution. In 2014, due to its low collection rate, the license fee was abolished and replaced with budget funding as a primary source. Following discussions and public debates, a tax was introduced at the beginning of 2016, with no proper legal basis nor mechanism to make its collection more successful. Apart from being misused for the cause of propaganda during the 1990s, the reputation of PSB in Serbia (especially RTS) has been constantly threatened by its politicization and non-transparent management. The PSB is still perceived by politicians, and partly by the public, as “political prey” for those who win elections and control the power in the state. Due to the usurpation of the management position by one person, and his personalized style of management, many operations linked with PSB – including funding, contact with its audience, internal systematization, criteria for selecting the programming and measuring its quality – remained unclear and non-accessible to the public. Commercialized and popular programming still keeps PSB in Serbia (especially RTS) alive on the media scene. Compared to PSBs in other countries of the region, RTS is a highly rated TV station, which indicates that entertainment dominates its programming. The influence of its informative program is in decline being in competition with commercial stations which also produce their own, political shows are rare, programs in minority languages are only available on RTV, while there is a growing dissatisfaction with the overall quality of the produced programs.

This study comes with a number of limitations. During the data collection phase, certain data, especially those related to financial operation, were not accessible. Even public authorities, including the Commissioner for Information

of Public Importance, were prevented access to these data. As an alternative, all relevant secondary reports, including Anti-corruption Council reports, other related studies, and key interviews with main stakeholders, were used. In addition, the study was conducted in a transitional period for PSB. After the adoption of new laws and the sudden death of the former General Manager, the new management, including the Board and new Director, was not appointed until after the research took place. While implementation of the new laws is still pending, the new management, albeit open and accessible, was not deeply involved in the governing process, and was not able to respond some crucial questions related to our research.

For the survival and further development of PSBs in Serbia it is necessary to examine their missions and operation within the changed conditions on the media scene. Further research should tackle the issues of internal restructuring and organization of the PSBs in order to make digital production and convergence possible and efficient. It also should seek for mechanisms to ensure better visibility of PSB content on the media market, and to re-establish its relationship with its public. Research on the changing habits and information needs of the media public would be valuable to provide guidance for PSB managements, policy makers, media experts and professionals, in adapting existing and creating new media policies.

## 7.

# Recommendations

In order to perform as genuine PSBs, broadcasters in Serbia should be guaranteed more institutional independence, editorial autonomy, technical and production resources, and human resources skilled and professionally committed to cope with the ongoing trends in the domain of technological development and digitalization, sustainable funding models, and more transparency and openness to the public in their everyday work.

### **At media policy level, this implies:**

- Local legislation – laws regulating the media sphere and operation of the PSB/PSM - should prioritize *what constitutes the public interest* in Serbia in the short- or mid-term period. Some constitutive elements of public interest (for example plurality and quality) might clash, so the legislator should put emphasis on the most desired elements.
- As is the case in many European countries, mechanisms keeping PSB/PSM accountable should be developed, either in the form of a contract (between broadcaster and government/or regulator), or as a public statement.
- Local legislation, and especially regulations defining the operation of PSB/PSM, must re-define the notion of broadcasting in a changed media environment, influenced by the rapid increase in use of technology and digitalization and the proliferation of various communication platforms. In current legislation this is not the case.
- Decision makers in Serbia have to strengthen the status and role of the regulator, considering its important role in appointing the managerial structure of the PSB, and monitoring the compliance of its program with the legal norms.
- A new model of funding has to be introduced to secure adequate financial resources and eliminate the possibilities for political interference into the financial matters of PSBs. The creation of this model should be preceded by wider debate among stakeholders in order to create a contextually adequate model, and also taking into account the reasons for which the previous model failed.
- Employment policies for national minorities – active and affirmative measures are needed to support minority newsrooms of RTV. As a victim of the current policy that bans any new employment in the public services, the RTV management is unable to employ young and promising persons on a full time basis in their minority newsrooms, which has resulted in news rooms generally staffed with older people, a lack of journalists skilled to cope with the new

digitalized environment, and members of national minorities discouraged from staying at RTV (as most of them are employed on a part time basis).

- Transparent and open procedures – the public, especially media experts, professional associations and representatives of managing bodies of both public broadcasters in Serbia, have to take an active part in discussions and decision-making processes regarding all abovementioned activities.

### **At the internal level of PSB:**

- Radio-Television of Serbia has to develop and adopt its own Strategy of development, and make it public. The Strategy should take into account new trends in media production in the digital age, changing consumption habits of the media audience and the possibilities of using various channels of communication.
- The process of nomination and appointments to the main managing body has to be more transparent. Instead of being judged behind the ‘veil’ of the Parliamentary committee, candidates should be directly nominated by various stakeholders, authorized nominators such as the President, Prime Minister, academics, trade unions, the civil society sector, cultural institutions, etc., and further on appointed in transparent and open procedures. This will enable more accountability and transparency in the PSB operation.
- The position of the Program Council should be further empowered, by giving this body more authority and powers, but also obligations, when it comes to the monitoring and evaluation of the program, and communication with the PSB audience.
- Regaining trust in PSB is of the greatest importance for the PSB funding model to be functional. For that reason, both broadcasters, RTS and RTV, have to strengthen (within their structure) the units / departments that will regularly observe trends among their audience and make contact with them, collecting their wishes and complaints, and in dynamic and daily communication with the management, influence the decision making process within the broadcaster to take their audience into account.
- In line with ongoing trends on the market, in order to make their production more efficient, to lower its costs, both broadcasters have to work intensively to adapt their internal structure and organization (RTV already has a promising strategy in this regard).
- Both broadcasters should develop their internal capacities in order to make the license fee collection more efficient. This implies the formation of a separate unit for the license fee, investment in software that will help the PSBs’ management to follow and monitor compliance with this civic duty, and cooperation with all important public institutions, including Government and major financial agencies, in order to make this system functional. In order to regain trust among citizens, the PSB should launch an awareness campaign to promote the license fee and the notion of an independent funding model for PSB.

*Program / content*

- The PSB program should reflect the plurality of Serbian society, including presentation of marginalized groups and national minorities (as evidence shows, only RTV fulfils this role, while RTS is doing it partially – it has to introduce a regular show for national minorities).
- The implementation of program principles, including promotion of pluralism and diversity, producing a program of high quality, and covering distinctive and missing topics, should be regularly checked both internally and externally.
- The role of the citizens should be strengthened, and they should be aware of the importance and value of PSB content, taking into account its public role, universality, and distinctiveness. The channels of their communication and influence on editorial policies, and, generally speaking, ability to control the operation of PSB, should be institutionalized, potentially through the Program Council.
- Investment in original content – PSBs should invest more resources to produce content of significant quality and informative and educative values. It also should promote analytical and complex genres such as documentaries and investigative stories. PSB should open more space for independent local production, whose quality fulfils the highest standards of RTV production.

## 8.

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## ANNEX 1 – List of Interviews

1. Jovanka Matić, Institute for Social Sciences; Belgrade; May 29, 2015; face-to-face
2. Mirosljub Radojković, Faculty of Political Sciences, Belgrade, May 28, 2015; Belgrade, face-to-face
3. Saša Mirković, Ministry of Culture and Information of the Republic of Serbia, state secretary; 27 May, 2015; Belgrade; face-to-face
4. Slobodan Kremenjak, Legal office 'Živković&Samardžić'; May 27, 2015; Belgrade, face-to-face
5. Nedim Sejdinović, Independent Association of Journalists of Vojvodina, June 9, 2015; Novi Sad, face-to-face
6. Atila Marton, Radio Television of Vojvodina, editor-in-chief of RTV2 – program for national minorities, June 9, 2015; Novi Sad, face-to-face
7. Paolo Mancini, University of Perugia, Italy; June 12, 2015; Zagreb, face-to-face
8. Mile Boca, Radio television of Vojvodina, director for development, June 17, 2015; Belgrade, face-to-face plus additional e-mail correspondence
9. Dejan Marjanović, RTV, editor of Multimedia program, June 20, 2015; Novi Sad, e mail correspondence
10. Tatjana Ćitić, Radio-Television of Serbia, editor of specialized programs, June 23, 2015; Belgrade, face-to-face
11. Srđan Đurđević, OSCE Mission to Serbia Media Department, June 24, 2015, Belgrade, face-to-face

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