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 Pressing issues in six SEE countries: Own professional associations capture, prosecution of journalists and in

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 Croatia: Investigative journalism course got 'canceled' on Faculty of Political Science study programme

Common Media Pressing Issues in Six SEE Countries

Bosnia and Herzegovina, Croatia, FYR Macedonia, Montenegro, Romania and Serbia



Photo: Illustration

Authors: Slav

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Ownership, economic and inefficiency of

already known, Council of Ministers of BiH is responsible for creation and adoption of politics in BiH representation in international forums related to communications. Council of Ministers is in charge of confirming the mandate of director general. In accordance with the Article 40 Of the Council of Ministers, officials from legislative, executive and judicial organs, cannot be appointed to that position.

Ignorance, or an intention, the consequences are devastating

Whether general situation in media scene is a result of ignorance, or an intention, the consequences are devastating

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Montenegro: Media landscape still reflects deep political divisions that the struggle for national and territorial independence created

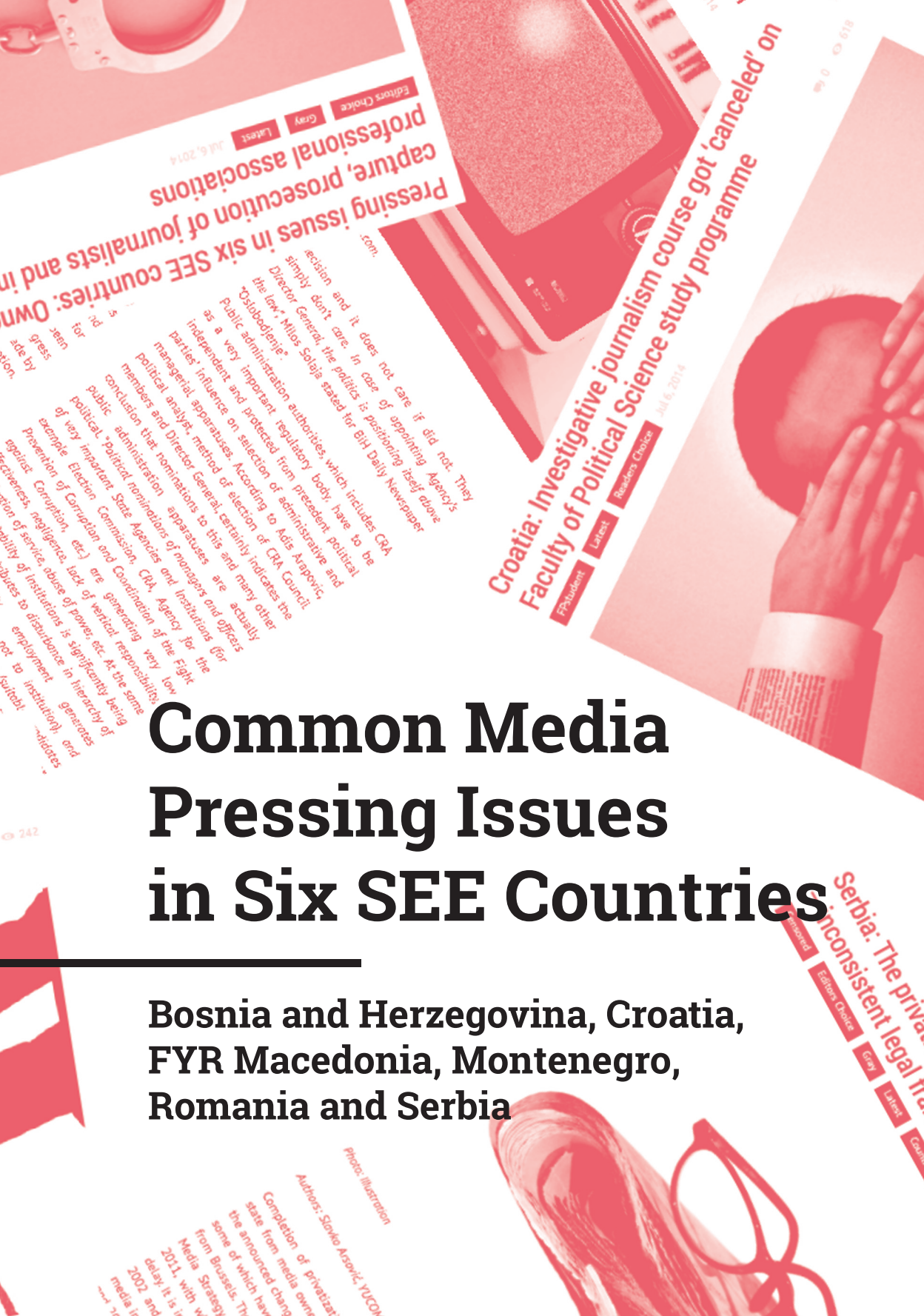
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The highest price of these internal agreements is being paid by citizens of this country

Nikola Spiric emphasized after Council of Ministers session held on 30 July 2014, it is still unknown when CRA Director General will be appointed. CRA Council has appealed to this international Community in BiH for solution to this long trials. Milos Solaja, member of CRA Council stated that the biggest advantage of the Agency is the independence. Council of Ministers wants to nominate the director of the Agency if this issue is not resolved by 31 October, it will not be in 20 years either. Solaja emphasized that the Communication Regulatory Agency will not be in 20 years either. Solaja emphasized that the Communication Regulatory Agency will not be in 20 years either.

newly selected Council of Ministers of Regulatory Agency BiH has elected Rajcevic, director of Agency for CRA of the Republic Srpska for Director of the Agency. Rajcevic has sent a request to CRA Council to confirm Rajcevic's election, although he has not confirmed his nomination, long predicted deadline has been exceeded for CRA Council's appointment was on the agenda for 30 July. CRA Council has discussed, New Council of Ministers session, however, it was discussed with other personnel issues. Rajcevic's nomination was scheduled for 30 July. CRA Council has discussed, New Council of Ministers session, however, it was discussed with other personnel issues. Rajcevic's nomination was scheduled for 30 July.





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Bosnia and Herzegovina, Croatia, FYR Macedonia, Montenegro, Romania and Serbia

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Serbia: The private inconsistent legal fra

Photo: Illustration
Author: Sanjko Anzović, YUOCH
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This report has been published within the project **MEDIA CIRCLE - Civic Response to Clientelism in Media**, implemented by Partnership for Social Development (Croatia) and financed by the European IPA Civil Society Facility programme.

Common Media Pressing Issues in Six SEE Countries (Bosnia and Herzegovina, Croatia, FYR Macedonia, Montenegro, Romania and Serbia)

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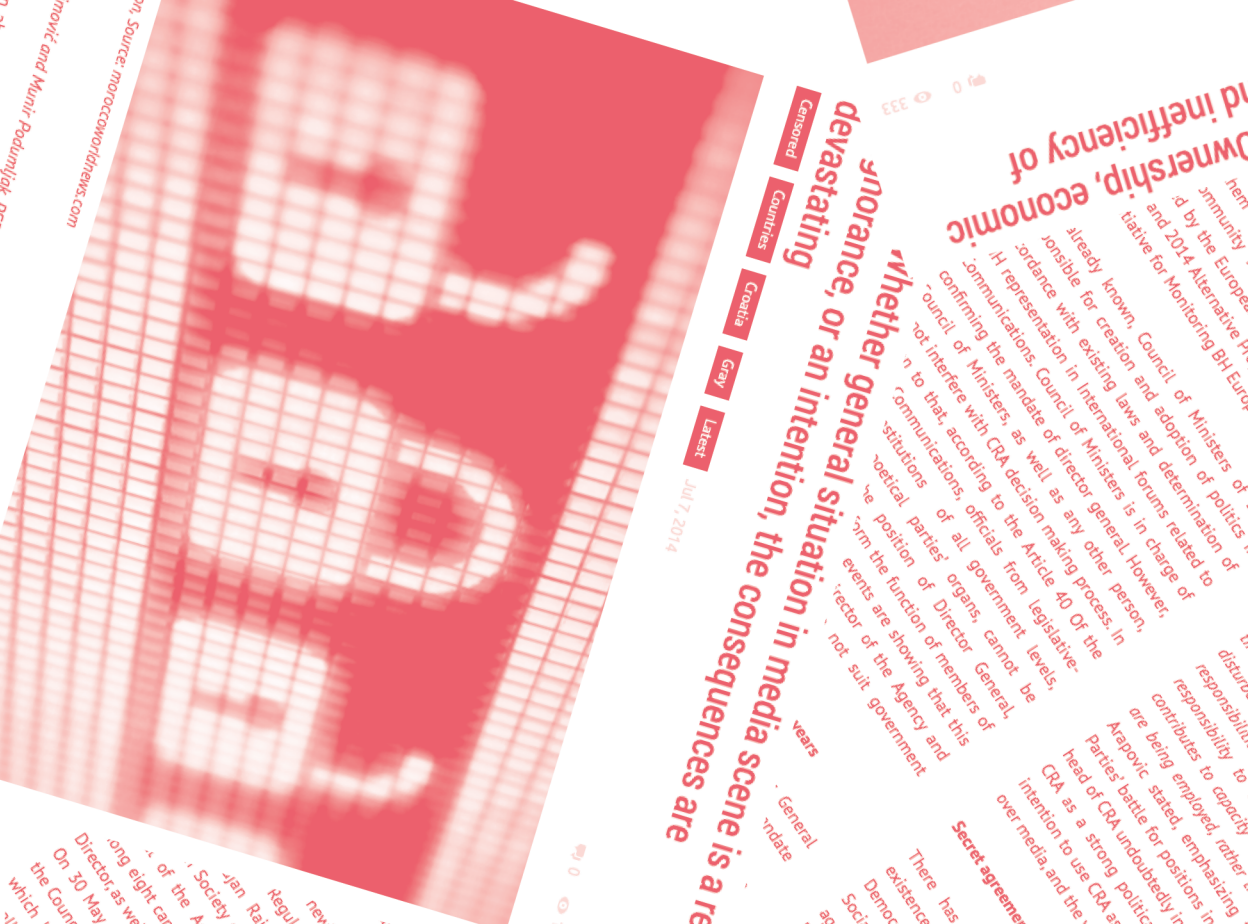


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INTRODUCTION – Lack of Data and Ownership Transparency, Economic Capture, Legal Measures that Affect the Freedom of the Press and (In) efficiency of Professional Associations

This publication is a brief overview of common pressing issues in media landscapes of six countries observed within the project Civic Response to Clientelism in Media (MEDIA CIRCLE), financed by the European IPA Civil Society Facility programme. Selected topics are common vulnerabilities noted by all partner organizations during the work on Media Flash Assessment Report which aimed at ensuring a baseline for development of Media Clientelism Index. MEDIA CIRCLE project leader is Partnership for Social Development from Zagreb (Croatia), and the partners from five South East European countries are: Expert Forum (Romania), Vesta (Bosnia and Herzegovina), BH Journalists (Bosnia and Herzegovina), Public Policy Institute (Montenegro), Centre for Media Activities (FYR Macedonia), YUCOM – Lawyers' Committee for Human Rights (Serbia), Independent Journalists' Association of Vojvodina (Serbia). General objective of this action is to establish independent sustainable multi-layered cross country mechanisms for active media policy monitoring, advocacy and emergency response in SE Europe. Project is also presented through the portal Fairpress.eu that provides public with systematic and analytical articles dealing with issues related to media and public interest. Together with the central English version, the portal incorporates six national sites in the languages of the countries participating in the project.



Source: montenagoradnews.com
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 already known, Council of Ministers is in charge of
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 -ordance with the mandate of director general. However,
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 -to that, according to the Article 40 Of the
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 -in position of Director General,
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newly selected Council of Ministers
 Regulatory Agency BIH has
 -jan Rajcevic, director of Agency for CRA
 -Regulatory Agency Spiska for CRA
 -Society of Republika Srpska for CRA
 -of the Agency, Rajcevic has sent a request to
 -eight candidates who meet the criteria for CRA
 -On 30 May 2014, CRA Council has exceeded long
 -which has not confirmed his nomination, although
 -predicted deadline was on the agenda for 30
 -Director, as well as the criteria based on national law
 -the Council of Ministers to confirm Rajcevic's election,
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Nikola Spitic emphasized after Council of Ministers
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Serbia: The privatization of the media as a stumbling block
inconsistent legal framework and a lack of political will
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Tom and Nedim Sejdinović, NDRNY
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independence and possible concentration of financing of
public services and, finally, a violation of the
financial situation of the regulatory bodies, budget

Author: Iva Milanović-Litre, PSD
"He who pays the piper calls
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Photo: Illustration, Source: blogs.ind

LACK OF DATA

Basic precondition for an efficient attempt to cope with the pressing issues of media and journalism in any country is an in-depth analysis of trends and indicators within the area. It means that an effective public policy is hardly achievable without available and systematic data on media industry – which was shown to be the case in all analysed countries. The lack of data on the ownership structure, market shares of the media, shares of each advertiser in the media, media funding from public sources, the impact of regulatory and supervisory bodies and their decisions, court cases involving journalists, etc. proved to be the first and very big obstacle, alongside with non-transparent impact on the legislative and regulatory framework, appointments of supervisory and regulatory bodies, recruitment and layoffs in the media and a violation of professional rules and codes of journalists.

1.1. Bosnia and Herzegovina

At the institutional development Bosnia and Herzegovina (hereinafter: BiH) has made great progress – for 15 years in the country operates regulator for electronic media – Communications Regulatory Agency¹ (CRA), and there is a Press Council² as a self-regulatory body for print and online media. There is also a large number of trade unions and professional media associations focused on the issue of freedom of expression and functioning of media outlets.

On the other hand, it should be highlighted that BiH is a divided society, which is determined by its constitutional set-up³. This fact is of relevance in order to be

¹ The Law on Communication defines the establishment of the Communications Regulatory Agency as a functionally independent and non-profit organisation tasked with the regulation of the communications sector in the country. On 21 October 2002, High Representative passed an interim decision to regulate some issues arising from the aforementioned High Representative's decision; at the same time this meant the enactment of the Law on the Communications of Bosnia and Herzegovina (Official Gazette of BiH, No. 21/02).

² Press Council in BiH, as a self-regulation body for printed and online media that has existed since 2001 and that, in its work, tries to increase the level of professional reporting and to enable readers of printed and online media to protect their right to truth, by way of submitting complaints in the cases of inaccurate reporting.

³ The BiH Constitution sets out the division of competences between the State (Constitution of Bosnia and Herzegovina) and the Entities (the Constitution of the Federation of BiH and the Constitution of Republika Srpska).

able to understand its media system. Also, media in BiH are divided along ethnic, entity, political and economic lines, which had a tremendous impact on the implementation of existing legislation and creation of a society in which the media will be of service to the citizens and the main generator of democratic processes in the country.

In such a situation, in the years after the end of the last war in BiH, it was not possible to develop a common media policy and strategy, and the existing journalists' associations, trade unions and media organizations failed to develop internal capacity for monitoring, documentation and promotion of freedom of expression, as well as for monitoring current trends in the legal and social framework for the work of journalists and the media. On a statistical level, BiH has two State Statistics Services in entities and the Agency for Statistics on a state level, but none of these agencies has methodology for systematic recording and public delivery of information on BiH media, the size of the media market, media capital or other data. Although it has implemented the most modern IT strategy for judicial system in BiH⁴ with Case Management System (CMS), binding judicial institutions throughout the country and online monitoring of court cases in BiH, it is not possible to get an overview of lawsuits and judgments for defamation or to track trends over 10 years of application of the Law on Defamation. According to official data, in the CMS system has been invested approximately eight million EUR. Despite the modernization, obtaining data still requires to physically browse the official courts' archives and manually record the number of prosecutions and convictions for defamation.

For a MEDIA CIRCLE project we attempted to investigate the accurate circulation of daily newspapers and magazines, the number of online media in Bosnia and Herzegovina, and the ownership structure of the media. Reliable and publicly available data do not include shares of each advertiser in the media, nor the media funding from public sources. Even the official government institutions (such as the Ministry of Justice or the Ministry of Civil Affairs) do not have a clear database of laws related to media.

Only few organizations in BiH, such as Media Centre Sarajevo, Media Plan Institute, Free Media Help Line, The Pulse of Democracy (who is actively working

⁴ Strategy is developed in 2004 and implemented until 2014, under strong experts and financial support by international community in BiH, Available on: <http://www.hjpc.ba/secr/cait/?cid=3730,2,1>, (Accessed 23 September 2014).

for the last three years), Foundation Friedrich Ebert and the Institute for Political Studies of the Faculty of Political Sciences Banja Luka (from the beginning of 2014), analyse and various events and trends in the media sphere of BiH. So the development of reliable, available and effective tools and indicators for the formation of a comprehensive database on the media industry in BiH, which will be available to public in electronic or any other form, is a key challenge for BiH media.

1.2. Croatia

There are no official figures in Croatia that would accurately and completely describe the media landscape. Lack of information about media in the public sphere is one of the most emerging issues when media in Croatia are concerned. Reporting on media occurs on the rare occasions and as a product of internal squabbling between media outlets. Absence of the evidence-based reporting or analysis of the media sector, significantly limits the social capacity to create public judgment over key socio-political issues.

Sporadic outbreaks of the “media wars” are often accompanied with “customized truth” in the media outputs which create strong notion that something is wrong in society or in media, without providing even the basic evidence – who, when, what, where, why or how. General public without ability to check the facts in the distributed information, and without basic information of the economic, political and private interests behind publishing companies, cannot process distributed information and consequently cannot make stand on important social issues. All together creates “tunnel view ideologies” that are reflected in Croatian recession in all aspects of democratic life – from country’s economy to political life and social development issues.

Public sector in charge of enforcement of media regulations does not contribute to the solution of stated problems. Databases provided on the official websites of the relevant public authorities would hardly enlighten any reader of such content. Requests for information often prove to be fruitless, as well. Some of the most important information, such as ownership of the media, market indicators and statistics on criminal proceedings against the journalists or publis-

hers, are not available at all due to the badly regulated competences over the relevant authorities and/or databases that are difficult to search.

According to the Law on Media (Official Gazette of RoC, No. 59/04, 84/11, 81/13), Croatian Chamber of Commerce collects data on the ownership structure of the print media, but when asked what exactly does the Chamber monitor when it comes to the ownership structure of the publishers, Mr. Rajko Naprta from Chamber's Department for Paper, Press and Media was very precise: "We are competent to check only two things: that the publisher indeed submitted the official Excerpt from the Court register and that under its activities it has registered media activity". Despite laws ordering publishers to publish their circulation figures, the lack of penalties is a fertile ground for disregard, as well as lack of control for data accuracy. Besides public opinion surveys, there are no official and accurate figures on general readership.

Discussions or even actual decisions with the legal force on highly concentrated media market are also perception-based. Actual measurements and methodology or information management in relation to the media concentration simply do not exist. In their reply to the request for information, Croatian Competition Agency stated that they "do not possess data on market share of media in Croatia, nor they have information of where such data could be found". Such statement is odd, bearing in mind that this body is supposed to protect Croatian media market as well as Croatian public against media concentration and monopoly that could significantly endanger democracy.

Whether general situation in the media scene is a result of ignorance, or an intention, the consequences are devastating. A fundamental role of the media in serving public interest is taken for granted. As Croatian citizens do not have information about who controls and designs the content they consume on daily basis, they can only hope that information distributed through the existing media is in their best interest.

1.3. FYR Macedonia

When it comes to market organization and data collection, FYR Macedonian (hereinafter: Macedonia) legislative framework regulates electronic (TV and Radio) (Law on Audio and Audio-visual Media Services, Official Gazette of FYRM,

No. 184/13) and print media (Law on Media, Official Gazette of FYRM, No. 184/13), but there is no official register of print media and no reliable data is available on the circulation and readership of newspapers. For online media there is one register- Marnet1, but it is a general register that does not separate media portals from other websites (business/institutions etc.). It means that there is no official number on existing print and online media, neither the statistical indicators of changes in the number of these media over the years.

Also, there is no reliable comprehensive data on annual advertising revenue for the whole media sector. The total annual advertising market is estimated at between 30 and 40 million EUR, of which majority was on television (Broadcasting Council, 2012). As one of the leading advertisers, Government is not willing to share data on its media buying.

Although the Macedonia has the Law on Free Access to Information (Official Gazette of FYRM, No. 13/06, Article 2) which allows any natural or legal person to obtain public information from state and municipal bodies' no matter if they are citizens of the Republic of Macedonia or not, limitations in implementation are notable. Requests must be responded to in 10 days and information should be provided within 30 days, but it is often not respected or the requests for access to public information are simply ignored. However, still it is unclear whether this is due to the inefficiency of the public administration or due to the unwillingness of the holders of public information to provide them. The Law on Free Access to Information does not provide any specific rights for journalists regarding timing or treatment. Experiences from journalists show that most of the time they receive technical rather than substantive answers and in many cases information is provided just before the end of stipulated deadline of 30 days. Also, the current Law on Free Access to Information provides no clear solutions for determining what public information is when it comes to state administration and institutions, and what public information is when it comes to public entities or corporations.

Over seven years after the adoption of the Law on Free Access to Public Information, some progress was noted in the responses of the authorities to requests for information and in the proactive display of public information. However, limitations are still evident. The Commission for Protection of the Right to Free Access does not provide comprehensive statistical data on issues such as the total number of requests for information received. Civil society criticized the lack of recommendations in the report of the Commission in 2012 on important

topics, such as the large number of cases for which “administrative silence” prevented access to information⁵.

1.4. Montenegro

Montenegro has been an independent state for eight years (separated from Serbia on June 3, 2006). A relatively small country with the population of about 650.000, Montenegro has not yet succeeded in developing an effective and systematic administration that is capable for modernized collecting and processing data from different sectors of society. Although the legislative framework enables journalists, as well as other citizens, to require and obtain a public information from a relevant source, it is often impossible because the authority does not collect or possess the information, or it is not available due to lack of systematic planning data, or the request simply end up lost in a bureaucratic system. Article 2 of the Law on Media (Official Gazette of Montenegro, No. 46/10, 73/10 and 40/11) guarantees journalists the right to access all sources of public information but taking into account the awareness to protect the honour and dignity of a person. A new Law on Free Access to Information (Official Gazette of Montenegro, No. 44/12⁶) also stipulates the right to free access to public information without any special treatment for journalists. The legal timeframe for delivery of the answers by the institutions is 15 days.

Public Policy Institute (PPI) research team had numerous hardships to acquire the information presented in the Flash Assessment Report within the MEDIA CIRCLE project. The institutions in charge of media differ in their efficiency and quality of information. Cooperation with the Agency for Electronic Media was successful, and PPI team received the information from them concerning the number of electronic media. Also, they make regular reports on the monitoring of electronic media and cases of law infringement. Media Self-Regulation Council produces reports from which we could gather information on the violation of the Code of Journalists on three to four month basis. Ministry of Culture, Department for Media, is in charge of media laws and does not perform more

⁵ See more at: www.freedominfo.org/2013/04/group-asks-macedonian-leaders-to-reject-report, (Accessed 12 September 2014).

⁶ Official Gazette of Montenegro (2014) Legal Acts (online) Available at: <http://www.sluzbenilist.me/PravniAktDetalji.aspx?tag=%7B4E05F2A9-6EF6-43F9-B168-396AF8619892%7D>, (Accessed 6 April 2014)

activities concerning the media policy development than this. The Parliament body in charge of media reacts only on ad hoc cases. On the other hand, professional media associations do not have the adequate information nor capacity to deliver any assistance to journalists, neither the information on the protection of journalists' rights. Communication with the Trade Union of Media of Montenegro (SMCG) was conducted via e-mail. Responses to PPI inquiries were mostly timely but lacked some crucial information regarding the actual work of SMCG - e.g. information against whom the legal steps were taken concerning the cases of legal representation of Union members. Also, there is no data available on the scope of legal advices related to journalists' workers-rights provided by SMCG. Overall impression is that SMCG lacks transparency regarding the actual work it does.

1.5. Romania

By and large, data on Romanian mass media is available to a reasonable extent. The structure of ownership was made public as a result of legislation adopted after 2004 and it has become current practice that media operators publish their ownership and main financial indicators. The circulation / audience are normally audited by professional companies and the figures are made public regularly.

The electronic media regulator (covering radio, TV and their relationship with cable operators) has adequate data on the number and profile of the channels to which they award licenses. By contrast, the print media and Internet content are completely free, with no special obligation to register apart from the general one to which any commercial company is subject (the Companies' Register); or similar registration for non-profit functioning (register through courts). As a result, in this case the number and profile of newspapers & journals can only be estimated from national statistics, which are done on a sampling basis.

Various public and private institutions monitoring the media publish data and reports in their field of interest, of variable quality and periodicity. For example, in the mentioned regulator reports they discuss the number of cases and penalties applied, but do not distinguish routine decisions on technical matters (hearings on issuing licenses) from the cases when they apply penalties to journalists or TV stations, and do not compile analytic reports. As a result, vast amounts of data have to be combed and sorted out in order to draw meaningful conclusions.

The Romanian version of Freedom of Information Act (FOIA) was proposed in 2001 by liberal deputy Mona Musca, now retired from political life, the end result being based on a large consultation with civil society. The law is complete and compels public authorities to ensure a reasonable degree of transparency. It requires public authorities to offer journalists information of general interest in a “prompt and complete manner” (Article 28). Also it compels authorities that the costs are not prohibitive. In practice, public authorities may delay or may answer incompletely to the requests based on the laws of access of information or transparency and enforcement of FOIA is still plagued by minor and occasional refusal or incidents, usually at the local level. A study from 2009 investigated how the law works effectively and reached some troubling conclusions: legislative inconsistency, lack of unitary systems to manage information of public interest, prohibitive costs for copying the documents of public interest required by some institutions, public data available ex officio are not available, journalist access to public information in due time is still hindered (24 hours is the rule, in reality many of them have to wait 30 days or more), local civil society still lacks a proper understandings of FOIA and its potential, lack of civic culture, lack of sanctions for authorities that break the FOIA provisions (Institute for Public Policies, 2009).

1.6. Serbia

During the nineties Serbia has been marked by full deregulation in all sectors, including the media. Numerous pressures on media freedom were noted, and individual journalists had lost their lives. After 2000 and the fall of the regime of Slobodan Milosevic, some kind of regulation in the media sphere was created. More liberal laws defining media landscape were adopted⁷. There is no unique registry of media in Serbia. According to the Constitution from 2006, media may be established freely, without anyone’s approval (Article 50). In 2009 the controversial Law on Amendments to the Law on Public Information⁸ was passed urgently, and introduced the Register of Public Media within the Business Registers Agency. However, in 2011, the Constitutional Court declared that

⁷ The Broadcasting Act was passed in 2002 and the Law on Public Information in 2003.

⁸ Available at: <http://www.parlament.gov.rs/%D0%B0%D0%BA%D1%82%D0%B8/%D0%B4%D0%BE%D0%BD%D0%B5%D1%82%D0%B8-%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD%D0%B8/%D0%B4%D0%BE%D0%BD%D0%B5%D1%82%D0%B8-%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD%D0%B8.45.html> , (Accessed 17 September 2014)

the manner in which this register has been organized and the penalties prescribed for those not being registered, is unconstitutional, contrary to Article 50 of the Constitution of Serbia.⁹ Since then, register operates in a legal interregnum and out of date, because the registration is, as well as deregistration, optional. It contains the media that no longer exist, and vice versa. But even if it worked the way it was intended by the Law on Amendments to the Law on Public Information in 2009, it would not have enabled transparency of ownership, since it would not contain the information on final owner of the capital. This also applies to Register of the Electronic Media (radio and television stations operating with a permit), which is being maintained by the Regulator (Republic Broadcasting Agency - RBA)¹⁰. Media are obliged to report the ownership structure to the Agency, but without final capital holder¹¹.

Practically, in Serbia there is no institution to provide up-to-date information about the media and the media scene from 1991 until today. Data that can be reached through the activities of individual media and journalist associations, and independent researchers, are mostly based on the samples and covering certain period of time. In Serbia, it is not possible to obtain data on total number of journalists, how many of them are permanently employed, how many are unemployed, what is their structure, etc. The fact that in Serbia there is a large number of journalists' associations and the journalists' unions with low activity, only contributes to this chaos.

The new Law on Public Information and Media, adopted on 2 August 2014, again defines the Register of Public Media within the Business Registers Agency. The Law imposes an obligation to provide to the Registry, among other data, the document that contains information about companies and individuals who directly or indirectly hold more than 5 percent stake in the share capital of the founder, as well as information about their related entities according to the law regulating the legal status of companies, and details of other publishers in which these persons have more than 5 percent stake in the share capital. Sanctions for "non-registration" are

⁹ Available at: http://www.ustavni.sud.rs/page/view/0-101426/saopstenje-sa-19-redovne-sednice-ustavnog-suda-odrzane-5-maja-2011-godine-kojom-je-predsedavao-dr-dragisa-slijepcevic-predsednik-ustavnog-suda?_qs=%D0%97%D0%B0%D0%BA%D0%BE%D0%BD%20%D0%BE%20%D0%B8%D0%B7%D0%BC%D0%B5%D0%BD%D0%B0%D0%BC%D0%B0%20%D0%B8%20%D0%B4%D0%BE%D0%BF%D1%83%D0%BD%D0%B0%D0%BC%D0%B0%20%D0%97%D0%B0%D0%BA%D0%BE%D0%BD%D0%B0%20%D0%BE%20%D1%98%D0%B0%D0%B2%D0%BD%D0%BE%D0%BC%20%D0%B8%D0%BD%D1%84%D0%BE%D1%80%D0%BC%D0%B8%D1%81%D0%B0%D1%9A%D1%83, (Accessed 17 September 2014)

¹⁰ Available at: http://www.rra.org.rs/pages/search_permits, (Accessed 17 September 2014).

¹¹ Available at: <http://www.anem.rs/sr/medijskaScena/istrazivanje/story/15734/Istra%5BEivanje+o+medijskom+integritetu%3A+Srbija.html>, (Accessed 18 September 2014).

envisaged by the new Law, but they consist only of the fact that the state at any level will not be able to assign funds on any basis to those media that are not recorded in the Register. One of the novelties is that the Register will contain information on funds that the state, at any level, awarded to the media. These decisions are made in accordance with the decision of the Constitutional Court of Serbia in 2011, but unfortunately it does not guarantee or increase the transparency of ownership, or systematization of other important information on media and journalists.

A basis for seeking existing information is the Law on free Access to Information of Public Importance (The Official Gazette of the RoS, No. 120/04, 54/07, 104/09, 36/10). It has introduced the obligation of public authorities to provide information of public importance on request, as well as the Commissioner for information of public importance and personal data protection body, which is authorized to issue orders to information holders and in general overseeing the implementation of the law.

The Institution established by this law is authorized, among other, to monitor the implementation of the law in terms of obligations of public authorities and complaints regarding their violations. Annual Report of the Commissioner for 2013 shows that the number of journalists addressing this institution has been increased (reaching almost 15% of the overall number of complaints) and describes the attitude of the public authorities (which includes also municipalities autonomous province and legal subjects founded and funded by the state/municipality/autonomous province) and the society as such that it “needs to undergo fundamental changes”¹². Media representatives, according to the same document, are, however, not dominantly present among subjects seeking information of public importance. Although the significance of the influence of this law on the state of media in Serbia is undisputed, the area which is being increasingly discussed in the public is de facto secret international agreements, according to which major economic transactions are implemented. Government (as well as National Assembly, the President of the Republic, the Supreme Court of Serbia, the Constitutional Court and the Republic Public Prosecutor) may reject any request, with no legal possibility for the applicant to file complaint on such rejection to the Commissioner. The Article 6 of the Law stipulates the principle of equality and in Article 7 the prohibition of discrimination of journalists and the media.

¹² Available at: <http://www.poverenik.rs/en/o-nama/annual-reports/1772-izvestaj-poverenika-za-2013-godinu.html>, p. 18, 5 (Accessed 17 September 2014).

OWNERSHIP / PRIVATISATION

Who owns the media is directly linked to how and what media will report, although it should not be the case. Published content is often framed with political and economic interests and therefore it is important to know who owns, and even more, who controls the media content or can influence it. Despite the general consensus that, for a free media, privatisation is more preferable than the state ownership, no freedom was brought with transfer of ownership that occurred in South East Europe. Privatisation of media in analysed countries (Croatia, Bosnia and Herzegovina, FYR Macedonia, Montenegro, Romania and Serbia) was generally a shady process, behind closed doors that created media moguls and contributed to process of media capture. In most of countries, privatisation hit the print media while the national broadcasters remained in the hands of the state. With rare exceptions, the doors opened for local entrepreneurs, but also for the international media groups. One of the first who conquered newly opened media market was WAZ Media Group from Germany. Privatization of the media in this area has been marked by the lack of transparency, preferential treatment and politicization. It created new influential players – media moguls.

2.1. Bosnia and Herzegovina

Despite the integration of a large number of international standards of freedom of expression and independence of the media in BiH legislation, the Ministry in charge of communication at national level and other responsible governmental institutions did not look at media ownership and its transparency as an important condition for quality of journalism and free work of journalists. At present, there is no legislation on ownership transparency related particularly to media. BiH did not have major privatizations in print and electronic state media nor foreign investments (as was the case in other countries of the Western Balkans). There are only four important cases of media privatization in post-war Bosnia and Herzegovina which are worth mentioning, and three have been discussed in terms of possible irregularities.

One of them is **Vecernje novine** – probably the most controversial case of privatization¹³. That daily newspaper was partially privatized in 1992, when about 70 percent of the company has been sold to its workers. Nonetheless, after the war, due to increased debt, newspapers were offered in the tender and bought by a domestic printing company Alden Print on 19 May 2000 for 250,000 EUR in cash. Only six months after purchase, **Vecernje novine** ceased¹⁴ - and on 13 November 2000, a new daily, **Jutarnje novine** started to be published also by Alden Print. A day later, Alden Print Company requested the termination of purchase contract and **Vecernje novine** and the same name publishing company has been returned to the Agency for Privatization Sarajevo and liquidated¹⁵.

The main challenge for the future in the field of media privatization could be the privatization of local and regional public broadcasters. Earlier was in force decision of the High Representative in BiH, which prevented the privatization of media, but it was abolished six years ago. There are 73 local and regional public broadcasters (64 radio stations and 9 TV). They have a significant impact on the local communities and are in very poor financial situation – interesting good for future investors.

The issue of concentration is regulated by the Law on Competition in BiH (Official Gazette of BiH, No. 48/05). The Law envisages the possibility to prohibit some concentrations of corporations or individuals if they could significantly undermine market competition. There is no special regulation for the media in this area. European Parliament passed in 1999 the Resolution on Media Takeovers and Mergers, where it emphasises that media pluralism is of essential importance and that limitation of ownership is necessary not only for economic reasons, but as “the means to guarantee the diversity of information and the freedom of press”.

BiH as a state has never adopted this resolution into its own media legislation, so now in BiH exist several examples of media concentration which harms

¹³ Udovicic, Z. **Media in Bosnia and Herzegovina - The conquest of democracy**. Media Plan Institute, Sarajevo.

¹⁴ According to representatives of Alden prints, the reasons for the termination were that their new owner at the time of purchase of the company, did not know of any additional debt by daily newspapers to their readers, who have grown to about 850,000 euros. Debt is created based on games of chance organized by the **Vecernje novine**, and that our readers have not paid the amount of awards won.

¹⁵ In the meantime, **Jutarnje novine** are no longer printed and the faith of Alden print is publicly unknown

pluralism of the media. **Avaz company** - founded during the war in BiH by Fahrudin Radončić¹⁶, now owned by his wife Azra Radončić, owns the largest circulation daily newspaper Dnevni avaz, RTV Alfa, printing company OKO, sports magazines, women's magazine, one tabloid, the entire distribution network, etc. **Company Nezavisne novine** are owned by Zeljko Kopanja from Banja Luka who created a media "empire" with two daily newspapers – **Glas Srpske** and **Nezavisne novine**, Radio **Nes**, distribution charges, printing company, women's magazine, etc. and who also has several publicly unknown companies that do not have close relationship with media.

On the territory of BiH, there are two TV stations owned by foreign nationals – TV PINK BiH, which is owned by a citizen of Serbia and OBN TV, owned by a Croatian citizen. This area is regulated by the Law on Foreign Direct Investment¹⁷, whose provisions are similar to laws in other Western Balkan countries, so it cannot be the obstacle for more investment in the media in BiH.

The Law on Political Party Financing does not permit political subjects to own electronic media. However, the violations of this law were noted by the Central Election Commission (responsible for the legality of political parties) and Communications Regulatory Agency (responsible for overseeing the operation of electronic media). The Party of Democratic Action (SDA) was the owner of RTV Travnik¹⁸. Also, Fahrudin Radončić, the President of SBBBiH (Alliance for a Better Future of BiH), passed his media ownership rights to his wife¹⁹, which raised a question of influence on editorial policy during the period of the election campaigns.

¹⁶ The president of SBB BiH party and ex. Minister of Security in BiH

¹⁷ Article 3 of this Law stipulates that the share of foreign capital in a company dealing with public information shall not exceed 49% of total capital. In case of investments in the sectors that are not subject to restriction, foreign investors must get preliminary approval from the competent entity body. Application for approval must be solved within 30 days, otherwise, it will be considered approved, except when the competent body informs the applicant in writing that decision was postponed beyond the 30-day deadline. In any case, final decision, accompanied by an explanation, must be submitted to applicant within 90 days from the day of receipt of application. If decision is not taken within this time frame, it shall be considered that the foreign direct investment in question has been approved. Once granted, the approval for foreign direct investment is permanent.

¹⁸ Available on : <http://www.nezavisne.com/novosti/bih/NRTV-Travnik-vlasnistvo-SDA-36086.html> (Accessed 24 September 2014).

¹⁹ Available on : <http://www.inmedia.ba/category/bih/page/91/> (Accessed 24 September 2014).

2.2. Croatia

Privatisation process in Croatia, as a central element of transition, occurred during the 1990s. Political pressure was indisputable and privatisation became a synonym for crime. Regulatory framework for the process of transformation and privatisation of socially owned enterprises was based on several pieces of legislation adopted by the Parliament in spring 1991 and later amended in 1992 and 1993²⁰, as well as some old legislatives that were wholly or partly adopted from the previous federal state. Basic model of privatisation allowed government either to nationalize publicly-owned companies or to steer them to chosen entrepreneurs. Agency for Restructuring and Development, consisting of government appointees, was established to oversee the transition/privatization and impose management boards who would decide on the future of the companies.

In the first years of Croatian independence HRT (Croatian Radio Television) was the only broadcaster with a national reach (HRT is a new name for Zagreb Television, changed after 1990). The political influence on its work was evident through the Program Council which consisted of 19 members, of whom 15 were parliamentary representatives mainly from the ruling party²¹. At the end of the 90s, with the political change and left coalition government coming to power in 2000, started the liberalisation of the media market. The Croatian Radio Television Act was passed. HRT was for the first time organised as a “public institution”, “promoting the interests of public” and “responding to public interests” (Article 13 of Croatian Radio Television Act, Official Gazette of RoC, No. 17/01). The liberalisation of the television market also followed and the first private national concession was granted in 1999 to Nova TV (Ivan Caleta, Grupo d.d.). RTL television entered the market in 2003, and in the same year the Media Act (Official Gazette of RoC, No. 163/03, 59/04), Telecommunication Act (Official Gazette of RoC, No. 122/03, 60/04, 70/05), Electronic Media Act (Official Gazette of RoC, No. 122/03), in accordance with the EU Television without Frontiers Directive, and Access to Information Act (Official Gazette of RoC, No. 172/03), were all adopted. Today, among 158 radio stations registered in Croatia, 72 (45.57%) are owned by the public sector and among 32 TV stations, 10 (31.25%) are either partially or entirely owned by the public sector.

²⁰ Law on Transformation of Socially Owned Enterprises (Official Gazette of RoC, No. G 19/91, 45/92, 83/92, 16/93, 94/93)

²¹ Zagrabljic, N. (2003) *Hrvatska medijska politika i javni mediji*. (Croatian Media Policy and Public Media). Media Research, 9(1), pp. 59

The biggest victims of privatisation in Croatia were daily newspapers. Privatisation was conducted under heavy political pressure and became a synonym for crime. Some of the privatisation processes still remained unclear.

Novi list (founded in 1900) tried to maintain the independent position from the very beginning. During the socialist era it became a strong regional publishing, printing and sales company from Rijeka. Novi list grabbed the opportunity at the beginning of 1990s and started the process of privatisation. On 31 October 1991 the Workers' Council of **Novi list** decided to transform the socially owned company into the Novi list Shareholding Company. The company issued 68,128 shares and sold these to current, former and retired employees who had worked for the company for a minimum of two years²². But employees of Novi list were unpleasantly surprised on 25 August 1992 when the Governmental Agency for Restructuring and Development appointed a new Managing Board headed by the Deputy Minister of Police. Employees got the support from citizens and about 17,000 people signed the petition and the process came to an end on 26 February 1993. Employees became owners with 97.6 percent of the shares, and state funds had 2.4 percent. In 1999 **Novi list** continued privatisation by founding a new company together with the Media Development Loan Fund (a New York-registered non-profit corporation and investment fund that provides low-cost financing to independent news media in countries with a history of media oppression; founded in 1995 by Sasa Vucinic and Stuart Auerbach; George Soros provided the initial grant for MDIF's start-up²³). In 2008 majority owner of **Novi list** became Robert Jezic, a Croatian tycoon close to HDZ. He bought 80 percent of shares for a net worth of 22,4 million EUR²⁴. In 2011, after the entrepreneurial and political fall of Jezic, Novi list was bought by Albert Faggian and Slaven Zmak. Lack of transparency in the ownership structure and management led to financial problems and the survival of the oldest daily newspaper was brought into the question.

Vecernji list was started in Zagreb in 1957 and it claimed to be Yugoslavia's highest-selling paper for the first half of 1990s with approximately 350,000 copies sold a day. In the early 1990s its major shareholder became the Pension Fund. After the Pension Fund ran into the financial problems, **Vecernji** was sold to the Caritas Limited Fund (located in the Virgin Islands) in 1997, without any

²² Strčić, P. et al. **Novi list 1900 – 2000**, Rijeka 1999. pp. 183. in MALOVIĆ, S. (2004) **Media Ownership and Its Impact on Media Independence and Pluralism**. Peace Institute – Slovenia. pp.126.

²³ Malovic, S. (2004) **Media Ownership and Its Impact on Media Independence and Pluralism**. Peace Institute – Slovenia. pp.126.

²⁴ Rajković, D. (2011) **Kako je Ivo Sanader ukrao Hrvatsku**, Jesenski i Turk; p. 361

public discussion²⁵. After the change of government in 2000, an investigation on privatisation was launched, though with limited outputs. In December 2000 **Vecernji** was sold to Styria Media Group AG, an Austria-based media group. The exact structure of capital inside the group is not publicly known.

Slobodna Dalmacija was bought by Miroslav Kutle in 1993. He became a Croatian media mogul, owning **Slobodna Dalmacija** newspapers and printing plant, **Tisak** distribution company, Diona chain of shops, shares in radio and television stations, banks, sales companies, etc.²⁶ After the turbulent nineties and the first privatization of **Slobodna Dalmacija** (that took place in conditions of war and political conflict), during the 2002 and 2003 two Governments (one led by Ivica Račan - SDP, and the other led by Ivo Sanader - HDZ), tried to carry out another privatization of this newspaper. By the end of 2003 the following news was published: "Croatian Privatisation Fund (HFP) published an advertisement for public tender for the purchase of available shares of **Slobodna Dalmacija**"²⁷. Newspaper was then sold to Europapress Holding, owned by Ninoslav Pavic and WAZ (one of the largest German newspaper and magazine publisher who bought shares in Croatian publisher EPH in 1998²⁸).

In February this year (2014) Europapress Holding finished pre-bankruptcy settlement²⁹, after the majority of creditors (96.4%) accepted an offer from EPH to return 70 percent of a debt while 30 percent are going to be written off. All financial institutions to which EPH owes 416.4 million HRK, and among them are Hypo Group, Zagreb and Raiffeisen Bank, supported the settlement. Settlement now changes the ownership structure but the process is still ongoing.

The history of media business and privatisation in Croatia was marked by two people – Miroslav Kutle and Ninoslav Pavic. In 1989 Kutle founded UTP Globus, and in 1992 Globus Holdings, later to become Globus Group d.o.o. (Globus Grupa). He was a prominent HDZ (Croatian Democratic Union – leading party in 1990s) member. Allegedly, in 1993 he paid to Bank of Split DEM 3.7 million for 37 percent of shares of **Slobodna Dalmacija** from the loan obtained from the

²⁵ Malovic, S. and SELNOE, G. (2001) *The People, Press and Politics in Croatia*. Westport, Connecticut. pp. 148.

²⁶ Malovic (2004) PP. 127.

²⁷ *Slobodna Dalmacija special announcement: Who and Why sold the Slobodna Dalmacija?* <http://www.slobodnadalmacija.hr/Portals/0/docs/10PitanjaProdajaSD.pdf> (Accessed 29 April 2014)

²⁸ *WAZ Media Group - Company Profile, Information, Business Description, History, Background* <http://www.referenceforbusiness.com/history2/91/WAZ-Media-Group.html> (Accessed 29 April 2014)

²⁹ Based on Financial Operations and Pre-Bankruptcy Settlement Act (Official Gazette of RoC, No. 108/12, 144/12, 81/13, 112/13)

same bank. Later, he also became the owner of **TV Marijan**, **Radio Dalmacija** and **Tisak**, which gave him monopoly on the distribution of newspapers. At the beginning of 2000 and the dismissal of government in Croatia, Kutle was arrested while attempting to cross the Croatian-Slovenian border. In 2010 he was sentenced to two years and eight months of imprisonment for fraud in the privatisation but he escaped to Bosnia and Herzegovina, his home country. Ninoslav Pavic is even today the biggest Croatian media mogul. He is a former journalist and founder of the weekly magazine **Globus**, one of the most influential papers in the country during the 1990s. In 1998 Pavic has entered into partnership with WAZ and launched a new daily newspaper **Jutarnji list**.

Europapress Holding and Styria are the biggest and most influential publishing companies in Croatia. Government still has shares in many media, especially local newspapers and radio stations. Another publisher with long history and influential role is the Catholic Church (IKA – Informative Catholic Agency, Croatian Catholic Radio with a national frequency, TV and video production). **Vjesnik**, formerly a publishing, printing, sales, distribution and advertising company was the biggest in Socialist Federative Republic Yugoslavia. It was founded in 1946, and today's name is from 1952. **Vjesnik** published a series of dailies, weeklies and monthlies (**Vjesnik**, **Večernji list**, **Vjesnik u srijedu**, **Start**, **Studio**, **Sportske novosti**, **Arena**, **Svijet**, **Vikend**, **Auto klub**, etc.). During the 1990s, parts of the Vjesnik d.d. have been privatized (**Vecernji list**). In 2008 daily newspaper **Vjesnik** merged with company Narodne novine d.d. After constant decrease of circulation, financial loss and unsuccessful attempts of privatisation, newspaper that marked the history of Croatian journalism ceased in 2012. Other activities are divided into a number of independent companies (Vjesnik-Naklada, Vjesnik-Usluge, Vjesnik d. d. Tiskarsko izdavačke djelatnosti).

According to the Croatian legislation, media ownership should be transparent, but it is not always clear what institution is responsible for gathering information on ownership structure of particular media. Also, sometimes registered ownership is not enough transparent because the different shares with percentages and responsible persons are not represented. Even when the information is collected, data is hard to obtain due to lack of systematisms. That is why all the information presented in this part should be more carefully analysed and verified. Here, they serve only for overview of the media landscape transformation.

2.3. FYR Macedonia

Legally, the founding of the privately-owned print media was enabled in December 1990, in the former Yugoslavia, by the Law on the Basis of the Public Information System (28/12/1990), according to which all natural and legal persons gained a right to found and publish mass media under equal terms³⁰. The pluralization and democratization of the media landscape in Macedonia commenced after the State gained its independence in 1991. Until then, all the broadcasters and printed media, print houses and other production companies were in state ownership. In 1991, in Macedonia there were 29 local radio stations and one national radio station; Macedonian radio. Broadcast media, particularly radio stations, sprouted on every corner, so by 1997, when the Law on Broadcasting Activity (Official Gazette of FYROM, No. 20/97) was adopted, there were more than 250 radio and TV stations. Introduced after almost seven years of "spontaneous," or to be more precise, chaotic development of the broadcasting field, this law formally legalised the already existing pluralism by constituting a dual broadcasting model; i.e. alongside the public, it standardised the existence of the private sector, through a system of concessions allocated by an independent regulatory authority³¹.

In 2006, the Broadcasting council brought a decision to give the chance to the existing local public broadcasters to begin a process of transformation into private broadcasting enterprises. Within the given deadline, transformation procedure was started by 18 public broadcasters, two had notified the Ministry of Economy that they will not enter into privatization procedure, and for one public broadcaster the transformation procedure was delayed due to ongoing denationalization procedure. The other eight public broadcasters did not sent requests for privatization. Only four local public broadcasters finalized the procedure and became privately owned enterprises- Radio Kavadarci, Radio Vahandovo, Radio Ohrid and Radio Sv.Nikole.

Ownership transparency of broadcast media in Macedonia has been an obligation since 2005, when the new Law on Broadcasting Activity (Official Gazette of FYRM, No. 100/05) was adopted, providing legal obligation to television and

³⁰ Nineski.B(2000) *Pec atenite i elektronskite mediumi vo Makedonija*. First edition, Skopje: Association for journalism, publishing and graphical activities.

³¹ Ibid.

radio stations to publish data on their ownership structure and sources of finances, while print media were generally covered by self-regulation. Current media legislation, Law on Audio and Audio-visual Media Services (Official Gazette of FYRM, No. 184/13, Article 37 and 39), offers clear limitations in terms of ownership to prevent unwanted media concentration. Media ownership and economic influence of media is also regulated by the Law on the Protection of Competition and, as a by-law, there is also a Rulebook on the technical, spatial, staffing and financial requirements on obtaining a license for performing a broadcasting activity. Despite the legislative framework, the licensing procedures seem to be rigid in favour of those broadcasters that are perceived to be, or are, openly pro-government. For the print and online media, such restrictions, real or perceived, do not exist, especially in the segment of online media, but there are still sometimes prohibitive costs to launch a start-up newspaper or weekly magazine.

Also, the legislation on media ownership and concentration is not fully enforced, so the regulator is not able to monitor the market effectively. Based on information provided by the Commission for Protection of Competition³², 2011 was the year when the highest number of detected cases of illegal media concentration was noticed - five in total. For comparison, the number of detected cases in 2008 was two, in 2009 one, 2010 no cases were identified, and in 2012 also one case. The following examples show that current structure of media ownership in Macedonia does not comply with domestic regulations and is not in line with the EU audio-visual legislation.

In a research conducted by Macedonia transparency³³, indirect political links between national commercial TV stations with the biggest market share and current political leaders has been identified. The closure of A1 TV and its sister company A2 in 2011, both critical to the ruling party, changed the media market entirely. Economic analysis published by the regulatory body, the Agency for Audio and audio-visual media services³⁴, show that A1 TV had dominant market share since 2004, when the first economic analysis of electronic media was made. After the A1 TV ceased in 2011, the shares of Sitel TV (commercial TV station, nati-

³² Available at: http://www.kzk.gov.mk/mak/zapis_decision.asp?id=9 (Accessed 20 June 2014)

³³ Available at: [http://www.transparentnost.mk.org.mk/Upload/dokumenti/Finalen%20PDF%20Zarobena%20demokratija%20\(web\).pdf](http://www.transparentnost.mk.org.mk/Upload/dokumenti/Finalen%20PDF%20Zarobena%20demokratija%20(web).pdf) (Accessed 20 June 2014)

³⁴ Available at: http://www.avmu.mk/index.php?option=com_content&view=article&id=559&Itemid=355&lang=mk (Accessed 20 June 2014).

onal level) have continued to increase even more in terms of the overall ratings. Based on information provided in the above mentioned research, the ownership structure of Sitel TV shows relation with political leaders which have been part of every ruling coalition since Macedonia gained its independence.

Collusion between the press and politicians

The owner of TV Sitel (the TV stations with the biggest market share, 28.60% in 2013³⁵) is Goran Ivanovski (through his company Monteko in 2003 he acquired 100% of the ownership of TV Sitel³⁶). Ivanovski is the son of Ljubisav Ivanov-Zingo, who was a member of the Assembly of the Republic of Macedonia from 1990 until 2012, when he resigned without stating a specific reason. He was one of the leading figures in the Socialist Party of Macedonia (SPM) since its establishment in 1990, and since 1996 he has been the leader. He was the President of the Committee of the Assembly of the Republic of Macedonia and a Chairperson of the group of Parliamentarians responsible for cooperation with the Russian Federation. He was the President of the Chamber of Commerce of Macedonia and the President of Management Board of the biggest bank in the country; Stopanska bank³⁷. It has to be noted that SPM has been a part of each Macedonian Government coalition - from 1992-1998 with SDSM³⁸, in 2003 with Democratic alternative³⁹, and since 2006 with VMRO-DPMNE⁴⁰. This wealthy political career is supplemented by strong and developed network of businesses (coal mines, mineral water factories, trading companies, tourism, agriculture, banking insurance etc.), all related to the family Ivanov. When all these above mentioned ac-

³⁵ Agency for Audio and audiovisual media services, Economic analysis of the broadcasting industry, Available at: http://www.avmu.mk/images/Analiza_na_pazarot_2013.pdf (Accessed 20 June 2014).

³⁶ Agency for Audio and Audiovisual media services, Register for TV Stations (Updated on 10/07/14), Available at: http://www.avmu.mk/index.php?option=com_content&view=article&id=1146&Itemid=342&lang=en (Accessed 20 June 2014)

³⁷ Trapped democracy (Заробена демократија), S.Trpevska (2012).

³⁸ Assembly of the Republic of Macedonia, Available at: <http://www.sobranie.mk/posleden-sostav-1991-1994.nspix> (Accessed 20 June 2014).

³⁹ Assembly of the Republic of Macedonia, Available at: <http://www.sobranie.mk/posleden-sostav-2002-2006.nspix> (Accessed 20 June 2014).

⁴⁰ Assembly of the Republic of Macedonia, Composition of the Parliament 2006-2008, Available at: <http://www.sobranie.mk/posleden-sostav-6678af9c-eca8-4bbc-9288-82ed9da93580.nspix> ; Composition of the Parliament 2008-2011, Available at: <http://www.sobranie.mk/posleden-sostav-a511c5b9-4e79-4f9e-b963-a85560997034.nspix>, Composition of the Parliament 2011-2014, Available at: <http://www.sobranie.mk/posleden-sostav-2011-2014.nspix> , Composition of the Parliament 2014-2018, Available at: <http://www.sobranie.mk/segashen-sostav.nspix> (Accessed 20 June 2014).

tivities are connected with the business activities of his son, Goran Ivanovski, an obvious network of economic and political influences can be noticed.

Another example of collusion between the press and politicians is Kanal 5 TV, the other commercial TV station, with market share of 16,71 percent (in 2012⁴¹). Boris Stojmenov, the founder of Kanal 5 TV has been a Parliamentarian since 2008. In the Government of Ljupco Georgievski (1998-2002) he was a Deputy-President of VMRO-DPMNE and Minister of Finance. In August 2000 he established his own political party VMRO-VISTINSKA. In 2012, for reasons unknown to public, the political party of Stojmenov brought a decision for self-abolition and was assimilated with the ruling party VMRO-DPMNE. Kanal 5 was headed by his son Emil Stojmenov, but in order to avoid conflict of interest which was forbidden by law (Law on Broadcasting Activity, Official Gazette of FYRM, No. 95/05, Article 11), on the request of the Broadcasting Council, in September 2012, Kanal 5 was sold. The buyer of Kanal 5 was Vanya Gavrilovski, a man trusted by the Stojmenov family, after previously appearing in other joint businesses and other companies with shared ownership. The change of ownership did not lead to any significant changes in the business and political relations of Kanal 5.

Collusion between the press and politicians represent extensive threat, especially in Macedonian fragile democracy hampered by the absence of free press. In the last decade, the owners of Macedonian media were deliberately shifting their political allegiances, constantly depending on the ruling political party, often resulting in reduction in the structural autonomy of news media organizations, many of which became directly intertwined with business and political actors. The above mentioned factors had negative implications in terms of further loss of credibility, viewership and readership as well.

2.4. Montenegro

Montenegro did not have transfer of ownership from public/state owned media to private. The only semi-example of this is the daily newspaper **Pobjeda**, which is to this day, majority state-owned (Government of Montenegro 81%, small shareholders 19%⁴²). The Law envisaged the privatization process of me-

⁴¹ Agency for Audio and audiovisual media services, *Economic analysis of the broadcasting industry*, Available at: http://www.avmu.mk/images/Analiza_na_pazarot_2013.pdf (Accessed 15 September14)

⁴² A.D. Pobjeda Editor in Chief, Vesna Šofranac

dia, however, there is still no formal interest from the private sector to buy the state-owned **Pobjeda**. The state-owned media that existed before 1990 still exist today and are state-owned (Radio Television of Montenegro and the **Pobjeda** daily). All other media were founded as private after 1990.

First private media in Montenegro were registered after the fall of socialism in Yugoslavia. In July of 1990, first private weekly magazine Monitor was founded by the private capital of individuals (journalists, writers, intellectuals of Montenegro), and it was the only independent private media in the country that was strongly opposed to the rising nationalist discourse in state-owned media. In 1993, another private media started functioning - News Agency Montena Fax. Two independent radio stations were founded in 1994 - Elmag and Antena M, both still functioning today, on the capital of its owners (who invested their own capital or received bank loans). As for the television stations, first privately owned television was Blue Moon (today MBC), and Sky Sat, founded in 1995. Montenegro's first daily paper was the state-owned **Pobjeda**, founded in 1944. Second newspaper **Vijesti** was founded in October 1997 and daily **Dan** started publishing in 1996.

People who established these media were journalists or individuals with capital investments to run media as businesses. First private media in Montenegro were financed from their own funds and donations (USAID, IREX, Soros et al.). The amounts dedicated to the functioning of these media are not available.

2.5. Romania

Public television and radio public channels, also the National Press Agency (Agerpres), remained under state control and developed with the aid of public subsidies and consumers' fees. The process was entirely different for printed media, since all publications were rapidly privatized shortly after 1989, getting rid of those chief-editors who were suspected of pro-communist beliefs or attitudes. A scholar interested in the history of journalism coined that period one of "spontaneous privatization"⁴³. Usually the employees or an outside actor bought the media enterprise, getting rid of those chief-editors who were suspected of pro-

⁴³ Coman, M. (2009) "Press Freedom and Media Pluralism in Romania: Facts, Myths and Paradoxes" in Czepek, A., Hellwig, M., Nowak, E. (eds.) **Press Freedom and Pluralism in Europe**, European Communication Research and Education Association.

communist beliefs or attitudes. A complete and accurate analysis of ownership in media is missing. As many market analysts underlined, “few companies meet this obligation [of property disclosure] because there are no sanctions in force”⁴⁴. Quite often property transfers in mass media were shady processes, behind closed doors, and any form of public transparency was accidental.

The Spark - the process of transfer of **Scanteia** (The Spark, the party’s official newspaper, equivalent of the USSR’s Pravda) from Communist Party to private hands was preceded by a name change. The journalists have chosen **Scinteia poporului** (The People’s Spark) for a short period, and then borrowed the classic name of **Adevarul** (The Truth), one of the oldest left wing dailies from Romania. Most probable, the owner of the daily **Adevarul** in post-revolutionary period was Dumitru Tinu (a pro-communist journalist from the second line of former Scinteia), who passed the share of stock to his daughter, Ana-Maria Tinu. In 2004 she had control over 84-90 percent shares of the publishing company. In 2006 the daily **Adevarul** was bought by businessman and liberal politician Dinu Patriciu (former Vice-President of National Liberal Party), and in October 2012 the press holding became the asset of Cristian Burci, a media manager connected with several media enterprises owned by SBS (Prima TV, KISS FM, CLICK and others). In the first years after the 1989 Revolution, **Adevarul** was essentially a pro-governmental voice, namely The National Salvation Front, and then it was pro Social Democratic Party (PDSR/PSD). Dinu Patriciu became a powerful businessman after being involved in high profile privatizations in oil industry, such as Petromidia, Rompetrol (for which he is now under investigations by DIICOT, The Directorate for Investigating Organized Crime and Terrorism).

Scanteia Tineretului (The Spark of Youth) - the official press daily of the Communist Youth Association became on 22 December 1989 the newspaper Free Youth, led by Eugen Mihaescu (former editor of Scanteia Tineretului) and then by Ion Cristoiu (prior to 1989, former chief editor for cultural dept of Scanteia Tineretului / Spark Youth and general editor of Theatre magazine). The daily was generally critical to the left rule of “red quadrilateral” (left forces with far left parties in office during 1992-1996). In 1995 the daily closed its offices, as a result of insolvency.

⁴⁴ Preoteasa, M (2004), ‘Romania’ in Petkovic, B. (ed.) **Media Ownership and its Impact on Media Independence and Pluralism**, Ljubljana: SEENPM project (http://www2.mirovni-institut.si/media_ownership/pdf/romania.pdf), str. 405.

Romania libera (Free Romania) - preserved its title (one the oldest dailies, launched in 1877) and became an opposition voice against National Salvation Front and to left government in power between 1990 and 1996. Two of its editors, Petre Mihai Bacanu and Anton Uncu, were imprisoned and respectively placed under home arrest in 1989 for trying to publish a samizdat daily. After Revolution, P.M. Bacanu was appointed General Director and A. Uncu was the Chief Editor, for their anti-communist stance. The publisher was Society R owned by P.M. Bacanu. In 2000, Romania libera was bought by German media group WAZ, and afterwards WAZ shared ownership of Romania libera with Medien Holding (owned by Adamescu family, known for their businesses in insurance market), both with 50 percent. In 2010, the German business sold all its media businesses in the Balkans but some mutual accusations shed a negative light on editorial independence. The German manager said that media market in Romania is distorted by media moguls who use dumping to alter fair competition, being backed by money from other businesses or high politics. On the other side, journalists accused the management of interfering with editorial freedom: they were required to lighten up the perspective on government. It is interesting to note that some of the contributors or associates of Romania Libera became ministers, directors of secret services or political advisors when the right oriented alliance Democratic Convention won the elections in 1996. Adamescu family is an important actor on the insurance market with the company Astra Asigurari, and it is worth mentioning that Astra is currently under investigation by the National Agency for Fiscal Administration (ANAF) for suspicions of tax evasion.

Gandul (The Thought) - was launched in 2005 by former chief-editors of **Adevarul** who resigned after a public conflict with the dominant shareholder Ana-Maria Tinu. In 2006, the daily was bought by Media Pro, a mass media trust owned by CME. Like other media businesses of Media Pro, it is generally believed that Gandul is a profitable company. Also, it was the first daily to cut costs by ending its print editions and maintaining only a website.

Evenimentul Zilei (The Daily Event) - was the first tabloid of Romanian press, founded in 1992 by Ion Cristoiu, Cornel Nistorescu and Mihai Carciog, reaching a skyrocketing circulation in the 90s (over 700.000 copies per edition). All of them worked in communist press (M. Carciog was Editorial Secretary at Viata Romaneasca / Romanian Life; I. Cristoiu was a Chief-Editor of Theatre magazi-

ne; C. Nistorescu worked as Editor for Flacara (cultural publication) and Youth Spark, mentioned above) The daily was bought in 1998 by German media group Bertelsmann, then sold in 2003 to Ringier, a Swiss media group. From 2010, the owner is Bobby Paunescu, media entrepreneur and film director. Paunescu's family was involved in disputed privatizations of high class hotels in Bucharest and the family is conducting several business divisions.

2.6. Serbia

Until the year 1990 all media in Serbia were state or public owned. Only after the introduction of a multiparty system and the adoption of the Federal Law on Public Information⁴⁵ non-state media began to appear. The majority of these private newspapers supported the rising sense of national identity. They were issued twice a week or monthly (except **Vreme**), indicating the absence of serious investors in the media during that period, except from political parties' newspapers.

With the entry into force of the Law on Privatization (Official Gazette of RoS, No. 38/01) in 2001, a legal framework for comprehensive privatization of the state owned media was created. Also, in accordance with the provisions of the Law on Public Information, mass media founded by the state, territorial autonomy, institution or a company that is partly or predominantly state owned or financed from the public funds, and which are not subject to the provisions of the law regulating the area of broadcasting, shall cease operating within three years from the date of enactment of this Act (24 April 2006).

Excepted are news agencies. The Law on Public Information (Official Gazette of RoS, No. 43/20) stipulates that the state may establish news agency by a special law. The Broadcasting Law stipulates that only the RTS and RTV, as a public broadcasting service, may be owned by the state, but in a specific status that is defined by law. These legal provisions have never been consistently applied so the process of privatization of the mass media in Serbia is still not finished.

Objective legal obstacles are laws that were subsequently adopted, and which are contrary to the Law on Public Information (the existence of the collision

⁴⁵ Zakon o osnovama Sistema javnog informisanja SFRJ (1990), Official Gazette of SFRJ, No. 84/90.

of the Public Information and Broadcasting Law on one hand and the Law on Local Self-Government⁴⁶, Article 20, paragraph 34, the Law on the Capital⁴⁷ and the Law on National Councils of National Minorities⁴⁸ on the other hand).

What has so far been a great brake for privatization of media is not only inconsistent legal framework (laws that define the work of local governments, national councils of national minorities, capital and public enterprises contrary to media laws), but also the lack of political will, both at local and national level. This is a deficiency by which the privatization process in other areas is also characterized, so in this sense the media sphere is not a big exception.

An overview of the area shown in the Media Strategy⁴⁹ gave a clear indication of media privatization failure. The document states that, according to the Privatization Agency, for 37 media privatization process was suspended on the basis of the Law on Local Self-Government; 7 public media has been shut down by the decision of the founders (local authorities); for 9 public media auction was ended unsuccessfully; out of 56 privatized media until that moment, 18 contracts were terminated, so these media were waiting for new privatization process; the remaining 36 privatized public media, with few exceptions, were operating on the edge of economic viability and their future is still uncertain. It should be pointed out that since 2000 there is a constant pressure on the State by the international community to regulate the media, including withdrawal of the state from the media ownership, but the government (no matter what political parties participated in it during this period) continuously resisted it.

After the long-term exposure, a set of new media laws (the Law on Public Information and Media, the Law on Electronic Media, and the Law on Public Media Services) had finally been adopted in Serbia, and entered into force on 13 August 2014. The Law on Public Information and Media provides mandatory privatization of the media that is directly or indirectly established by the state, and the deadline for completion of the procedure is the 1 July 2015. The exemption

⁴⁶ Official Gazette of RoS, No. 129/07. Available at: http://paragraf.rs/propisi_download/zakon_o_lokalnoj_samoupravi.pdf (Accessed 14 June 2014).

⁴⁷ Zakon o glavnom gradu (2007) Official Gazette of RoS, No. 129/07. Available at: http://www.paragraf.rs/propisi_download/zakon_o_glavnom_gradu.pdf (Accessed 14 June 2014).

⁴⁸ Zakon o nacionalnim savetima nacionalnih manjina (2007) Official Gazette of RoS, No. 72/2009. Available at: http://www.paragraf.rs/propisi/zakon_o_nacionalnim_savetima_nacionalnih_manjina.html (Accessed 14 June 2014).

⁴⁹ Strategy of the Development of Media in Republic of Serbia by 2016 (2012).

from the mandatory privatization is only applied to the public services on national and provincial levels, respectively to the media whose founding rights are transferred to national councils of national minorities before the time this law entered into force, and also, to the institution formed for the purpose of exercising the right to public information on the territory of Kosovo. This new attempt should be carefully monitored to avoid prior experiences, non-transparency, corruptive practices and clientelism.

Illustrating examples of media privatization in Serbia

Vecernje novosti - The public was especially disturbed with the case of illegal privatization of **Vecernje novosti** newspapers, a case that the government's Anti-Corruption Council also dealt with. Council's report⁵⁰ showed the chronology of non-functioning of the system, which includes the authorized Ministry, Government, the Securities Commission and the judiciary. The bottom line of the story is that a non-transparent process enabled tycoon Milan Beko to become the major stakeholder. It was not a known fact until he disclosed it himself a few years later.

Majority stake in the company Novosti AD (the establisher and publisher of daily newspaper **Večernje novosti**) have two Austrian companies - Trimax Investments (24.99%) and Ardos Holding (24.90%). An art of sculpture company - Karamat – whose real owners have been unknown for a long time due to difficulties related to control of ownership, being established in the "off-shore" destination - owns 12.55 percent of stakes; Republic of Serbia has 19.5 percent; and the PIO Fund of Serbia has ownership of another 7.2 percent⁵¹.

Businessman Milan Benko confirmed his ownership over the Novosti AD in a talk show "Between the Lines" on TV B92 in November 2010, saying that it was never disputed that he was the owner of Ardos, Trimax and Karamata, or that he owns 62.4 percent of shares of **Vecernje novosti**. Because those companies are associated entities, it confirmed illegal purchase and a possession of shares which was allowed by the institutions. According to the Law on Takeovers

⁵⁰ Report on Privatisation of the Company "Novosti", 17/05/2011/ Available at: http://www.antikorupcija-savet.gov.rs/Storage/Global/Documents/izvestaj_novosti/2%20Izvestaj%20o%20Novostima.pdf (Accessed 17 September 2014).

⁵¹ Data by Central Security Depository and Clearing House. Available at: www.crhov.rs (Accessed 12 June 2014).

(official Gazette of RoS, No. 46/06), related parties on the Stock Exchange may purchase up to 25 percent of the shares, while for gaining greater capital detailed procedure is prescribed but never respected.

Politika and Dnevnik – First participation of foreign companies in the print media in Serbia was entering the market of the German concern WAZ through two daily newspapers - **Politika** (Belgrade) and **Dnevnik** (Novi Sad). In both cases, a new company was established, whose founders were, on the one hand, state-owned enterprises Politika AD and Dnevnik holding, and on the other side the German company. WAZ had 50 percent of ownership in **Politika** and 55 percent in **Dnevnik**⁵². The editorial policy was not a primary interest for WAZ, so the German company usually appointed newspapers Director while the state named Editor-in-Chief. Therefore, the editorial policy of both papers has traditionally been close to the authorities.

After the affair over the ownership of **Vecernje Novosti**, on 15 June 2010, WAZ announced its withdrawal from Serbia, and soon the full part of WAZ's share ended up in the hands of East Media Group⁵³ under the non-transparent and unclear circumstances. Journalists' Association of Serbia in its announcement⁵⁴ publicly revealed that a person behind East Media Group is Miroslav Bogicevic, one of the tycoons who was at that time considered close to the Democratic Party. At first, Bogicevic denied, but in 2012 it was finally revealed that he indeed was in question and it was stated by the first Vice President of Government of the Republic of Serbia, today a Prime Minister Aleksandar Vucic⁵⁵.

B92/Prva TV – Pink/Avala – Broadcasting Act in force prevents the same owner to obtain two frequencies, but due to the lack of transparency of ownership the law is not well respected. The four frequencies were practically shared by two great players - Greek ship owner Minos Kirijaku (Prva and B92) and media mo-

⁵² See for more: <http://www.slobodnaevropa.org/content/news/24482051.html> (Accessed 12 June 2014).

⁵³ See for more: Više izvora: <http://www.naslovi.net/2012-07-17/beta/politika-dobila-novog-vlasnika/3666151>, <http://www.naslovi.net/2012-07-17/rts/politika-menja-vlasnika/3666093>, (Accessed 12 June 2014).

⁵⁴ Available at: <http://www.uns.org.rs/sr/saopstenja/12537/skandalozna-prodaja-politike.html>, (Accessed 12 June 2014).

⁵⁵ See for more: (2012) Vučić: Izakupovine Politike stoje Farmakom i Bogičević. Blic, [online] 17 September. Available at: <http://www.blic.rs/Vesti/Politika/343249/Vucic-Iza-kupovine-Politike-stoje-Farmakom-i-Bogicevic>, (Accessed 12 June 2014).

gul Zeljko Mitrovic (Pink and Avala). The Anti-Corruption Council in its report⁵⁶ presented evidence indicating that Kirijaku stands behind Prva and B92 TV stations, as well as that Zeljko Mitrovic owned both Pink and TV Avala. In the meantime Avala has stopped working and it is still not clear who is the real owner of B92 since the leading shareholder is represented by Raiffeisen bank through the so-called custody account, which hides the name of the client. In any case, all these televisions have a special relation with the Government.

Vojvodina.info - The case of Consortium Vojvodina.info is one of most representative cases of privatization of local newspapers in Serbia. Group of business people formed a Consortium that participated in the purchase of six local newspapers in Vojvodina (**Kikindske novine, Zrenjanin, Somborske novine, Backopalanacke novine, Suboticke novine** and **Vrsacka kula**). The Consortium was led by Dusan Stupar, a businessman from Belgrade, a former Head of the Belgrade Secret Police. In 2007 he was close to the Democratic Party of Serbia (DSS) of Vojislav Kostunica (back then led a coalition government with Kostunica as Prime Minister). During the privatization Stupar became the owner of more than 20 companies in Serbia and in 2012 was arrested on suspicion of having committed fraud during the privatization of Pancevo "Azotare"⁵⁷. Beside him, a member of the consortium was also Srdjan Vucurevic, Head of the Information Service of the Provincial Committee of the DSS and Nenad Romcevic, also official of DSS⁵⁸. In the meantime, Vojvodina-info has been re-registered and titled Info Local Media Group, consisted of: List Zrenjanin, Somborske novine, Suboticke novine, Nove kikindske novine, Vrsacka kula, Backopalanacki nedeljnik and Sunday informative newspapers NS reporter from Novi Sad⁵⁹. The above papers are close to Serbian Progressive Party. According to the Agency for Business Registers, today the only owner of this consortium is Srdjan Vucurevic.

⁵⁶ Anti-Corruption Council (2011) Report on Pressures and Control of Media in Serbia.[pdf] Beograd: Savet za borbu protiv korupcije. Available at: <http://www.antikorupcija-savet.gov.rs/Storage/Global/Documents/mediji/IZVESTAJ%20%20MEDIJIMA,%20PRECISCENA%20VERZIJA.pdf> (Accessed 6 June 2014).

⁵⁷ See for more: <http://www.novosti.rs/vesti/naslovna/aktuelno.291.html:376725-Hapsenja-zbog-quotAzotarequot-Ostetili-drzavu-za-milijardu-dinara>, (Accessed 6 June 2014).

⁵⁸ Anti-Corruption Council (2011) Report on Pressures and Control of Media in Serbia [pdf] Beograd: Savet za borbu protiv korupcije. Available at: <http://www.antikorupcija-savet.gov.rs/Storage/Global/Documents/mediji/IZVESTAJ%20%20MEDIJIMA,%20PRECISCENA%20VERZIJA.pdf>, (Accessed 6 June 2014).

⁵⁹ See for more: <http://infolokalmediagroup.rs/o-nama>, (Accessed 6 June 2014).

Medijske imperije - During the nineties two media empires have developed in Serbia. One of them is the empire of Zeljko Mitrovic - **Pink**, which was created due to the close ties with the Milosevic⁶⁰ family. Second empire - Color Press Group - owned by the Novi Sad businessman Robert Coban (in the past journalist) and Velibora Durovic, publisher of numerous entertainment newspapers, was also associated with the government during the nineties, primarily with one of the founders of the Yugoslav Left, Aleksandar Vulin⁶¹, the current Minister of Labor, Employment, Veterans and Social Issues. Aleksandar Vulin was Marketing Director in Color Press from 2003 to 2007, and Deputy Director General of Color Media International from 2007 to 2012⁶². Current legal representative of Color Press Group is Bojan Vulin, a brother of Aleksandar Vulin⁶³.

Some large media outlets are still owned or controlled by the state (e.g. Tanjug, Politika, and Vecernje novosti), local governments and national councils of national minorities, which directly affects their editorial policy. The ownership of large commercial media is not transparent and it is suspected that economic and financial lobbies, usually connected to the biggest advertisers, influence the media in many hidden ways. In its recent report the Anti-Corruption Council of the Serbian Government stated that out of 30 most important media, 18 have non-transparent ownership. Their real owners are not publicly known due to presence of many offshore companies in their ownership structure⁶⁴. All in all, it is clear that politics and media, and even criminal milieu in Serbia are extremely intertwined. The political influence on the media is exercised not only through ownership, but also through various more subtle or indirect ways.

⁶⁰ Slobodan Milosevic was the President of Serbia (originally the Socialist Republic of Serbia) from 1989 to 1997 and President of the Federal Republic of Yugoslavia from 1997 to 2000

⁶¹ See for more: <http://www.vreme.com/cms/view.php?id=1147358>, (Accessed 12 June 2014).

⁶² Office for Kosovo and Metohija of the Government of Serbia (2012) Sastav kancelarije. Beograd: Kancelarija za Kosovo i Metohiju Vlade Srbije. Available at: <http://www.kim.gov.rs/sr/o-kancelariji/sastav> Accessed 7 June 2014).

⁶³ Business Registers Agency (2014) Beograd: Agencijazaprivredneregistre. Available at: <http://pretraga2.apr.gov.rs/EnterprisePublicSearch/Details/EnterpriseLegalTrustees/1023496?code=08B169A0C7F19730B03411B30FC50E31ECF564A6>, (Accessed 7 June 2014).

⁶⁴ Milivojevic, S. **Media system in Serbia**, According to UNESCO Media Development Indicators.



3

- inconsistent legal framework and a lack of political will

Serbia

Jul 8, 2014

Editors Choice

Gray

Latest

Countries

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Author: Iva Milanović-Litre, PSD

Photo: Illustration, Source: blogs.ind

Tom and Nedim Segidnović, NDNV

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Croatia: Investigative journalism course got 'cancelled'

Faculty of Political Science study programme

Jul 6, 2014

Readers Choice

Latest

FP student

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ECONOMIC DEPENDENCE

As the general markets in stated countries were, and still are, very weak, media owners tend to associate with various political and business elites in order to survive. Indirect political control over the media is established through advertising. The economic crisis that hit the world a few years ago affected this weakly market even more and increased the media's vulnerability to political and business pressures. Alongside media, journalists had also undergone the transition – from secure jobs to easily cancelled part-time contracts. Economic insecurity is a fertile ground for self-censorship.

3.1. Bosnia and Herzegovina

In BiH, there are three ways of media financing: from the collection of license fee (RTV tax for Public Broadcast Service), public budgets at state, entity and local authorities as well as from advertising revenue and commercial activities of the media. There is no accurate data on the annual media earnings from the marketing. Media financing is completely non-transparent, lacking any procedures and rules related to funding media from the State Budget or public companies. Even the media themselves are not transparent when it comes to making their income and the sources of funding publicly available.

Some of prominent people from the media industry believe that the gross amount of media market is approximately 315 million EUR⁶⁵. In 2013, Communications Regulatory Agency (CRA) published analysis of economic situation in BiH and financial operation in the media market. It stated that total revenue for 10 TV stations in BiH was 80 million Euros⁶⁶.

⁶⁵ "It is approximately 630 million KM. It is estimated, however, that in reality only a collection of one-tenth of that amount. In BiH everything, including the media market, divided into three parts, there is very little media who live well, and other media are premature, that depends on the goodwill policy, said Ekrem Dupanovic, from Market Media at Weekend Media Festival (2012): <http://2012.weekendmediafestival.com/novosti/pogled-preko-plota-na-medijska-trzista-u-regiji>, (Accessed 16 September 2014).

⁶⁶ Available at: www.rak.ba (Accessed 25 September 2014).

The Laws on PBS⁶⁷ at the state level and in the two entities (Republic of Srpska and the Federation of Bosnia and Herzegovina) have a dual system of financing: the license fee and advertising. In 2012, total revenue for three PBS service was approximately 36 million Euros⁶⁸.

Besides the public services, there is a whole range of local public radios and TV stations dependent on financing by local and regional level authorities⁶⁹. The research by BH Journalists conducted in early 2013 (in the context of the preparation of the conference on transparency in media ownership and financing of media in BiH) found that local authorities allocate about 7.5 million euros on annual basis for funding public local broadcasters. This fact makes local media vulnerable. Although the authorities use the public money to finance media, they behave as it is their private money and put media in a situation of direct dependence and biased reporting. Private media in BiH are largely financed by advertising revenues. In 2012 advertising revenue was about 55 million, which is not a huge amount considering the large number of media outlets participating in the media market. Otherwise, UMI (Media Industry Association) reports that in the last four years, the value of the advertising market in BiH fell by 70-80 percent.

3.2. Croatia

Over the past two decades, the Croatian media scene has been marked by negative trends that have found additional justification in the global economic crisis which, unlike in most other countries, in Croatia is still ongoing. According to World Bank, Croatia is in the sixth year of recession. Government did not manage to stop the fall of GDP. Unemployment rate is still among the highest in Europe: at the end of 2013 it was 17 percent and among young people about 50 percent. Due to economic situation and low purchasing power of citizens, assisted with Internet and new media platforms growth, sale of newspapers is in constant decline. According to the Croatian Chamber of Commerce, in the period between 2009 and 2012, circulation of leading daily newspapers fell by

⁶⁷ Public Broadcast System with three public RTV services: BHRT, RTV FBiH and RTRS

⁶⁸ Available at: www.rak.ba (Accessed 25 September 2014).

⁶⁹ Their specificities are regulated by the Rule 41/2009 on public RTV stations that defines the public RTV stations

about a quarter. According to the Croatian Association for Market Communication (HURA), marketing media buying is also in decline. The biggest part of the media budget, or about 50 percent, is still directed to television, but decrease during the years has been noted. The largest decline in advertising since 2008 hit the press. In same period marketing investments on Internet are increasing. One of the reasons for this could be seen in the changes of media consumption – advertisers are shifting online alongside with readers.

According to data from the Ministry of Culture's Working Materials for the Debate on Media Policy in the Republic of Croatia 2015 – 2020, the annual turnover of the Croatian media has fallen from 5.8 billion to 3.9 billion in the period from 2008 to 2012. In the same period there was also a decrease of employment within the media industry from 12.5 to 9.3 thousand workers, or 25 percent. From 2009 until 2014 over 2,958 people whose previous employment was journalists have been registered as unemployed by Croatian Employment Service. Again, most affected were the employees of the print media.

For the purpose of the National Report on the Media, Ministry of Culture conducted a survey of Croatian journalists' attitudes which shows that 42 percent of surveyed consider that the time available for journalistic research has been reduced. Another 39 percent of them claimed that time for gathering information and story preparation has been reduced significantly. 47 percent of journalists warn about the drop in journalistic freedom and the non-importance of education (43 percent) or non-compliance with the standards of the profession and ethics (76 percent). Journalists also point to increasing influence of advertisers (61 percent), public relations (64 percent), the pressures of political elites (72 percent), the interests of owners and related business circles (86 percent). Specialization in reporting on specific area has been significantly reduced, as well as job security. Part-time and fixed-term engagements are more the rule than the exception. All this is reflected in the media content and threatens the public interest for the timely, balanced and important information. Low economic situation is a fertile ground for media capture. Direct subsidies and the practice of local authorities to buy publicity in local media are of special concern.

3.3. FYR Macedonia

Macedonian media market is characterized by a high number of media with low human and technical capacities at smaller media organizations (meaning the vast majority of existing media). Along with the proportionally small advertising market in the country, it imposes unhealthy media environment. It puts media in the position of economic dependence thus converting professional, market-oriented behaviour into one that struggles to respond to its existential challenges.

The Government of the FYR Macedonia started to appear among the top advertisers since 2008, when it emerged as a second biggest advertiser, with total expenditure (gross amount) of 17.3 million Euros. According to the time leased by each advertiser, the Government was on the first place. Those were the campaigns of public interest financed from the Budget of FYRM, ordered by the Government. Reports published by the Broadcasting Council estimated gross expenditure on governmental advertising in 2007 on 1.2 million Euros. In 2009, the gross income from advertising in the national media was in total amount of 472 million Euros, or net income of 25.6 million Euros. The joint share of advertising of political parties (local and presidential elections were held in March 2009) and the Government was 7.40 percent. According to the data on the number of broadcasted spots and their total duration, Government took the first place with a total of 27,258 broadcasted spots with duration of 657 hours, 59 minutes and 11 seconds.

In 2011, the total amount of net advertising expenditure was estimated at 24.7 million euro. Given that in the analysed year early elections for deputies in the Parliament of the FYR Macedonia were held, as it was expected, on the third place came the political advertising (different political parties) with 9.37 percent of the total advertising. Among the top advertisers, the Government was ranked fourth place, with the share of 2.56 percent. It changed in 2012. According to the data presented in the Broadcasting Council Report, the government was the leading individual advertiser with 4.03 percent of the total advertising in the broadcast media or at least one percent of the annual national budget (20 million Euros) was invested in media outlets through government campaigns and advertising. By looking deeper one can see that the TV stations with the largest share in the total advertising revenue in 2012 are Sitel TV (private commercial station) with 36,69 percent and Kanal 5 (private commercial sta-

tion) with 18,73 percent. Taking into consideration the facts that the both TV stations have direct links to the current ruling coalition, and that both of the TV stations have significant market shares in terms of viewership, only one conclusion can be made - democracy and good governance in Macedonia are seriously hampered by the absence of free press.

3.4. Montenegro

Since there is no designated body, institution or organization that monitors the media scene in Montenegro, especially from the economic perspective, the data on the media landscape presented here are based on the IREX report from 2012 and the Agency for Electronic Media website.

Montenegro has around 650,000 inhabitants and 195,000 TV households. Minority of TV households receive TV signal over the terrestrial broadcasting. Two nationwide public TV channels (TVCG1, TVCG2) and two radio stations use terrestrial frequencies. There is one satellite TV program, 18 commercial TV channels, five nationwide (Vijesti, Prva, Atlas, Pink M, MBC), 14 local/regional public radio channels using terrestrial frequencies, three local public TV channels using terrestrial frequencies, 36 commercial radio stations, five daily newspapers, few online media and no DTT platform.

Annual advertising revenue in the media sector is between six and seven million EUR (2011. est., MEDIA Ltd.). Apart from the State Budget-financed Public Service of Montenegro and partially state-owned newspaper **Pobjeda**, media are financed by private capital (international companies, private funds and bank loans). According to the financial reports of media, advertising revenues are not enough to cover the losses in the media budgets. According to Sonja Drobac, IREX Sustainability Index 2012, 70 percent of the advertising market is controlled by the companies outside of Montenegro. Average salary in the media sector is not precisely known, but it is among the lowest levels of income. Journalists' associations and unions are ineffective in protecting journalists' economic rights, such as regular employment, employment by contract, pension plan, etc. Print media circulation is low, ranging from 10,000 for **Dan**, to 2,000 for newly established **Informer** (these data are unofficial, official are currently not available). Online media market started to expand progressively after 2009.

3.5. Romania

Low entry levels for mass media market, both in monetary and regulation access terms, are the main explanation for pluralism, fragmentation, and richness of mass media market in Romania. It is hard to talk about media monopolies or cartel settlements. Still, economic influence of media is impossible to deny as well as difficult to measure or prove. Some media actors are part of a larger business and can hardly be any doubt that media is not used for economic influence or that it is not under economic constraints, a lesson more painful starting with the economic crisis in 2009, when overall publicity budgets were cut by a half.

Three issues on fair competition in mass media stand out for their critical situation. First, there is a concern that direct subsidies for public radio and TV, the only beneficiaries of direct money transfer from government, are used to maintain their dependence to government. Both public institutions have unstable balance sheets and recent discussions revealed that Romanian Society for Television may face insolvency.

Second, the practice of central and local authorities to buy publicity in newspapers was constantly suspected to be biased and clientelistic. Between 2000 and 2004, public authorities spent on publicity no less than 60 mil euros, an amount equal to 10 percent of the total revenue in publicity market. A study from 2012, written by the Centre for Independent Journalism, reached the following conclusions: a) the memorandum from 2010 requiring an end for sponsored publicity was not fully observed; b) the binding procedure for contracting publicity by agencies or authorities is not fully respected; c) the methodology of contracting publicity lacks transparency and access to relevant data is impeded (Centre for Independent Journalism, 2012).

The third critical issue evolves around the must-carry principle in TV channels distribution. The Competition Council urged recently the National Audio-visual Council to revise its decisions on must-carry principle. The competition public watchdog asserted that distribution of channels should be based on "technological neutrality", so as programs of direct-to-home access (via satellite) should not be excluded from the mandatory channels of distribution networks. Prior to this, the National Audio-visual Council was suspected to act discretionary. This is the first investigative analysis completed by the Competition Council that concerns level playing field on media market.

3.6. Serbia

There are five national broadcasters along with two public service institutions (RTS and RTV) and almost 500 different print media. The circulations of the print media is traditionally low and according to the recent reports daily newspapers sell cumulatively 530,000 – 588,000 copies. Compared to the population, it places Serbia on the bottom of the European countries' list by the newspapers' readership.

Global economic crisis did contribute to the escalation of economic crisis in Serbia. Till today Serbia is in unfavourable economic situation with increase in the number of unemployed people and people living in poverty. Last report of the Statistical Office of the Republic of Serbia shows that the average salary in July 2014 was 45,216 RSD, while household had to allocate for the monthly individual consumption 55,240 RSD, which is 3,310 more than in the first quarter of 2013⁷⁰.

Also, the economic crisis has affected the position of journalists. According to the research by the Centre for Media and Media Research of the Faculty of Political Science (2011), 60 percent of journalist was fearful to losing their job. In the same time, number of part-time hired journalist had increased to 16.15 percent. Survey has shown that more than 12 percent of journalists had been working more than 50 hours per week, 35 percent of them earned 30,000 RSD and a quarter of respondents did not receive a regular salary. Results of the survey, conducted by Journalists' Association of Serbia (UNS) in May 2014, showed that 31 percent of respondents are dissatisfied with the current salary/fee. The same survey examined how much money per month journalists earn: 19 percent of respondents earn less than 15,000 RSD and majority (38%) earns between 31,000-45,000 RSD⁷¹.

Although this is often very difficult to separate, apart from political, the media are particularly exposed to different economic pressures, which are achieved through both direct ownership and through the payment of advertising space. Various studies show that the government controls the crucial part of the marketing in Serbia. Since the majority of private economy is weak, important role as big advertisers play state companies, as well as ministries and other institutions. For example,

⁷⁰ Statistical Office of the Republic of Serbia, Available at: <http://webrzs.stat.gov.rs/WebSite/Public/PageView.aspx?pKey=2>, (Accessed 12 September 2014).

⁷¹ Results of the Annual survey of the membership of the Association of Serbian Journalist

the state-owned Telecom Serbia spends, according to the Anti-Corruption Council's Report on the Pressure and Control over the Media⁷² 30 million EUR on marketing, of which 10 million on advertising in the media. The income from this particular company, as well as ministries and other state institutions, according to this Report, is a significant part of the annual budget of some media. Government influence is more than noticeable in the private sector, as evidenced by the fact that the advertising market shows significant changes when there is a change of government. Political influence on media in Serbia is achieved and maintained due to insufficiently regulated financing of media and media projects and via significant role of the state in the advertising market, especially in media advertising.

As the Anti-Corruption Council wrote back in 2010 in its Report on the Pressure and Control, the decisive influence on the Serbian media, especially on those which are not publicly funded, have public relations, marketing and production agencies which hold the media in economic dependence and uncertainty. The advertising market in Serbia in 2001 was worth 30 million dollars, in the year 2008 it reached a value of 206 million, and with the impact of the economic crisis it has settled at around 170 million dollars. Due to the bad economic situation, according to the Anti-Corruption Council, the media are forced to sell these agencies their advertising space in advance and below market price. The agencies then resell that advertising space to the end users. According to information obtained by the Council, it is now proved that only part of the money is paid immediately to the expense of the media, while the rest of the payment is prolonged, and that enables the influence on the editorial policy. Connections between the owners of the agencies and political parties, and also their influence on the media, illustrate the relations of power on the political scene in Serbia.

The State still owns about 80 local and regional radio and television stations. Local authorities, in fact, do not want to give up their direct influence on the editorial policy of the local media because of the money that is being given to them from the budget. These media are designed as public companies with annual items in local budgets. That guarantees them a regular flow of money, if the local authorities were satisfied with their reporting⁷³.

⁷² Available at: <http://www.antikorupcija-savet.gov.rs/Storage/Global/Documents/mediji/IZVESTAJ%20O%20MEDIJIMA,%20PRECISCENA%20VERZIJA.pdf>, (Accessed 22 September 2014).

⁷³ Janjić, D. (2014) Privatisation of Media in Serbia (Privatizacija srpskih medija), Available at: <http://www.balcanicaucaso.org/bhs/zone/Srbija/Privatizacija-srpskih-medija-154966>, (Accessed 12 June 2014).

About 25 million Euros are being allocated annually for the functioning of the media owned by the Republic and the media owned by local authorities. This is a serious sum, regarding the fact that the total media market in Serbia in the last year “reversed” about 140 million Euros. Direct media incomes from the budget could, in such circumstances, have the effect of creating unfair competition⁷⁴.

⁷⁴ Ibid.

(DE)CRIMINALISATION OF INSULT AND DEFAMATION

Another pressing issue and barrier to freedom of expression is (de)criminalization of defamation. It has been excluded from the Penal Code in Bosnia and Herzegovina (1999), Romania (2006), Montenegro (2011), Serbia (2012) and FYR Macedonia (2012). Only in Croatia insult and defamation are still a part of the Penal Code and the new Code (Official Gazette 125/2011, 144/2012) is even strengthened with offence of “shaming”. For the court, it is of little importance whether the information is true. It is enough to state that someone felt humiliated by the publication of the news. First victim of this practice was Slavica Lukic, journalist of one of the leading Croatian daily newspapers **Jutarnji list**. However, although other countries decriminalized defamation, changes to the Civil Code authorized enormous fines compared to average salary of journalists, for example in Macedonia up to 27,000 EUR. In the first two years after the enactment of decriminalization in BiH, the number of lawsuits against journalists for defamation increased by three times compared to two or three years before the enactment of the new law, and demands for compensation on that basis were in some cases even hundreds of millions. In all countries, most of the lawsuits are pressed against investigative journalists or reporters seen as critical to the government.

4.1. Bosnia and Herzegovina

Due to the lack of political will of the authorities in both entities to ensure the creation of necessary legislation that would enable journalists to work professionally and independently, and in order to ensure that this constitutional provision is applied in practice, the High Representative passed, in the end of July 1999, Decision on Freedom of Information and Abolition of Criminal Penalties for Insult and Defamation (Official Gazette of BiH, No. 14/99). This Decision required the adoption of new entity laws and modification of the existing ones, so that the defamation cases could be adjudicated in litigation procedures.

Today in Bosnia and Herzegovina the protection against defamation is regulated by the Law on Protection against Defamation in the Federation of BiH (Official Gazette of BiH, No. 50/02), the Law on Protection against Defamation of Republika Srpska (Official Gazette of RS, No. 37/0) and the Law on Protection against Defamation of Brcko District (Official Gazette of DB, No. 0-02-022-213/03). Also, the subsidiary legislation applied in this context are the Law on Obligatory Relations⁷⁵ and the Law on Litigation Procedure in Republika Srpska and in the Federation of BiH, as well as the Law on Executive Procedure, which are in force in Republika Srpska and the Federation of BiH. The Law on Obligatory Relations regulates the compensation of damages; therefore, some of its provisions are of relevance for the application of the Law on Protection against Defamation, since they stipulate the compensation of material and non-material damages.

In theory, defamation is often defined as untruthful statement that damages the reputation of another person or as the unlawful act of intent or negligence that damages another person by making or disseminating untruthful facts to the third person. Therefore, according to the Law on Protection against Defamation of RS, defamation is actually an act of making or disseminating something that is not true and that can damage the reputation of a person, while the Federation BiH Law defines defamation as an act of causing damage to the reputation of a legal entity or a natural person by making or disseminating untrue facts about that natural person or legal entity to a third person. Main criteria for determining responsibility in such cases are: business capability (which is not explicitly referred to, but only implied in the FBiH Law), untruthful information, and accessibility of such information to the third persons and the existence of intent or negligence. The subject of making or disseminating may be only the claims related to some event, objective state, action, phenomenon, the veracity of which can be objectively established, while claims that represent only value judgments cannot be considered defamation. Also, if a statement is made as a joke, it must be of such nature that the jocular tone is evident.

One of the greatest dilemmas in the application of the law is whether the person who gives interview or makes a statement to media should be considered as the author of that statement and whether he/she should be held responsible for it, in addition to journalist, responsible editor and other persons who effici-

⁷⁵ Official Gazette of SFRY, Nos. 29/78, 39/85 and 57/89, Official Gazette of RBiH, Nos. 2/92, 13/93 and 13/94 and the Official Gazette of Republika Srpska, Nos. 17/93 and 3/96

ently controlled the content of such statement. The Federation BiH Law makes a clear distinction between responsible person who makes a statement that is not published in the media and the responsible person who does so, wherefrom it arises that the person who gives an interview to a printed media outlet, or whose interview is recorded by an electronic media outlet, cannot be held responsible for defamation. In the legislations and jurisprudence of other European countries there is mainly no dilemma in such cases; it is considered that primary responsibility is with the person who gives a statement.

The Law stipulates that one cannot be held responsible for expressions presented in the Parliament or during court proceedings, which is in the function of protection of democratic political debate, as well as fairness and efficiency of judicial proceedings. However, there are dilemmas concerning expressions made in the course of administrative procedures and the scope covered by that formulation.

A special issue in relation to the phrase "reasonable making or disseminating expressions" is related to the presumption of innocence. The fact is that it happens very often in the media that some persons are qualified as criminal offenders, although it is a common knowledge that they have not been convicted yet by any of the competent courts. This means that the presumption of innocence, as one of the basic principles of law, is not respected in such cases. The fundamental rule is that, when making an expression, nobody should be accused for a criminal offence; unless he/she has been convicted in a final and binding verdict, such expressions represent defamation and are subject to responsibility. However, there are situations when even such an expression may be reasonable in relation to the provisions of the Law on Protection against Defamation that regulate exemption from responsibility. These are the cases when criminal proceedings are under way against a person who is the subject of such expression, which implies that a certain degree of suspicion has been established that the person in question is really responsible for the criminal offence in question.

In judicial proceedings in cases of expressions that were made and that might be considered a defamation or insult, there is the issue of who should bear the burden of proof. According to the provisions of the litigation legislation that is in force in both entities, it is the duty of plaintiff to prove all the facts on which his/her case is based, while the court's duty is to establish facts, through free evaluation of evidence, and then to decide accordingly. Many people draw from this legal formulation a conclusion that the burden of proof in the whole proceeding is mainly on plaintiff, but it is not so. Both litigants

should more equally share the burden of proof in litigation procedures, while clearer rules need to be set relating the proofs that need to be presented by each of them.

When it is up to defendant, usually a media outlet, editor-in-chief, or a journalist, to prove the veracity of his/her expression, the rule that needs to be applied is that journalists should not be obliged to present the same degree of proof as it is the case with judicial proceedings, but, instead, that it is enough to prove that the information that was published had been previously checked as truthful in accordance with the circumstances of the case in question, i.e. in accordance with standard level of journalistic professional care. In practice, it would mean that, in judicial proceedings, sued journalists are not requested to present the proofs of absolute veracity of the facts that were published, but, rather, the aforementioned degree of their possible veracity.

During the ten years of implementation of the Law on Defamation in Bosnia and Herzegovina was created relatively rich jurisprudence, with some positive and negative consequences. The positive characteristics of case law in the first place should be stated commitment of the courts to follow the standards and judgments of the European Court, to protect the freedom of expression and to have uniform criteria in determining the amount of non-pecuniary damage and legal costs. In a series of judgments should be noted that the courts in Bosnia and Herzegovina often relied on European Convention on Standards and specific decisions of the European Court, which is very encouraging. In a number of judgments the courts refer to the codes of the press and electronic media to the extent evaluated journalistic good faith and adherence to generally accepted professional standards of the media, which are, from the perspective of jurisprudence, very positive and it is also in the interest of journalistic community.

Although case law shows relatively uniform basic criteria in the application of these laws, numerous controversies and opposing viewpoints are also present. This is primarily related to the determination of passive legitimacy (whether the author is responsible for statements or only author's contributions, or both), the editing process issues where the burden of proof, the court expertise (the mental pain) and to some extent on the politicization of cases and rulings when it comes to the most public and political figures⁷⁶.

⁷⁶ A significant number of judgments - particularly the courts in Banja Luka (Milortad Dodik against journalists and editors of FTV, News Agency Beta, blogger Slobodan Vaskovic, and ect) are resolved in favour of politicians. This practice is contrary to the standards of the Council of Europe in this field and the judgments of the European Court of Human Rights in Strasbourg

After ten years of implementation of the Law on Defamation⁷⁷ there is still a large number of legal proceedings for defamation (on average nearly a hundred new cases)⁷⁸. The largest number of lawsuits against journalists and editors is raised between media tycoons (owners of competing media⁷⁹), then politicians and other public figures. Most of these lawsuits are motivated by political pressure on media.

According to unofficial indicators (official statistics are not available), about one third of lawsuits and claims for damages were not accepted by the courts and rejected them for formal omission, or their own prosecutors withdrew. In cases where the damages were awarded, they were on average between 500 and 2,500 EUR. There is a very small number of indemnities which are above 2,500 EUR. The largest amounts awarded over 5,000 EUR are rare, but it is significant that only politicians⁸⁰ were awarded compensation of 5,000 to 10,000 EUR.

4.2. Croatia

Despite an overall trend toward the abolition of criminal defamation laws, defamation is still a criminal offence in 23 EU states while 20 retain imprisonment as a possible punishment. In Croatia, prison sentence was abolished in 2006 (Official Gazette of RoC, No. 71/06) but reappeared in the new proposal of legislative changes in 2011 provoking strong reactions from journalists and civil society organizations which led to withdrawal of the jail threat. However, in 2012 new Penal Code (Official Gazette of Roc, No. 125/11, 144/12) has been strengthened through new offense against the honour and reputation - the offence of "shaming". As defined by law, it is the dissemination of facts about a person before a third party that may harm that person's honour or reputation, and stipulated fines are up to

⁷⁷ Mehmed Halilović, legal expert is prepared special analyze of ten years long implementation of Defamation Protection Law in BiH; the analyze is prepared for BH Journalists association in 2013, available on www.bhnovinari.ba

⁷⁸ It was registrated beetwen 700 and 1000 lawsuits against journalists, editors and media owners in all courts in BiH in the period of ten years Defamation Law implementation. It is no possibe to ger databade od degation cases from CMS refistration cases trought juridcaly sistem in BiH

⁷⁹ The largest number of lawsuits for defamation filed a Fahrudin Radoncic - 260, and of that number 119 is even against Vildana Slimbegovic editor in chief and publisher Oslobođenje Mujo Selimovic. At the same time the owner Oslobođenje against the editor of the Daily Avaz and Fahrudin Radoncic (as publisher) filed 50 libel suits.

⁸⁰ Zlatko Lagumdžija, SDP party and Fahrudin Radončić – SBB BiH party

one hundred eighty daily amounts. Along with Croatian, this criminal offence exists also in German, Swiss, Slovenian and Austrian criminal law.

Media professionals, professional associations and civil society assessed this as a clear regression and a significant threat to the spread of self-censorship. First victim was Slavica Lukic, journalist of the national daily newspaper **Jutarnji list**. In April 2014, the Municipal Court in Zagreb found her guilty of “shaming”, because she reported that Medikol, although a private clinic, received significant public funds and still operated with losses. According to the court’s decision, an individual can be held liable for “shaming” even if he/she reports the truth if it is the court’s opinion that the truth was not in the public interest. Medikol later initiated bankruptcy pre-settlement. On a first instance Lukic was sentenced to a fine of 26.000 HRK (about 3.500 EUR), but the Zagreb County Court overturned the verdict.

During the intense media coverage of this case even some ministers of the Croatian Government requested for this offence to be removed from the Penal Code. But these ideas have stalled during the preparation of the current Draft Amendments to the Penal Code (2014). Ministry of Justice considers that there is no need to repeal the provisions of shaming. The proposed changes are aimed at “simplifying assumptions for the exclusion of unlawfulness of such an offense” that would supposedly reduce the possibility of a “misinterpretation of the legal text and the consequent passing of sentences on the basis of such an interpretation”. Also, it is proposed that the offence of “shaming” should become “serious shaming”. Journalistic profession is not happy and believes that in this manner “those in power will maintain protected at the expense of media and journalistic freedom and at the expense of the quality of journalistic work that is essential for democracy of any country”.

4.3. FYR Macedonia

In Macedonia defamation was decriminalised at the beginning of 2012⁸¹ and all on-going lawsuits against journalists for defamation were suspended in February 2012. According to information provided by the Primary Court Skopje, in the period from 1999-2012, there were in total 1,794 cases of insult and defamation, whereas in the period between 2009 and 2012 there were in total 289 cases of insult and defamation against journalist and editors.

⁸¹ **Law on civil Liability for Insult and Defamation (Official Gazette of FYRM, No.143/12)**

The Law on Civil Liability for Insult and Defamation (Official Gazette of FYRM, No. 143/2012) is being applied starting from 22 November 2012, regulating the civil liability for damage inflicted to the honour and reputation of an individual or legal entity through insult and defamation. The provision in Article 2 of this Law guarantees freedom of expression and informing as an important basis for democratic society, proclaiming that the restraints of these rights are regulated by “strict conditions for civil liability for insult and defamation” in accordance with ECHR (Article 10) and the praxis of the European Court for Human Rights.

The decriminalization of defamation with the Law on Civil Liability for Defamation, adopted in 2012, was seen as a positive development, many warily regarded the high fees set for punitive damages as possible new tools to apply pressure and silence the critical media. Furthermore, as noted by one journalist with senior editorial experience, “a possible fine of 10,000 EUR for the editor-in-chief discourages investigative journalism projects and their publication, especially in view of low levels of trust in the judicial system”. Decriminalization of defamation is a very important achievement, but the fact that there are extremely high fines, given the economic standards and average salaries in Macedonia, law on defamation continues to be one of the instruments for self-censorship.

4.4. Montenegro

Until 2011, defamation and insult were envisaged as offences in the criminal legislation of Montenegro, but then, following the EU recommendations, these criminal offences were decriminalized⁸² and all cases concerning slander and insult in media in front of the Montenegrin courts have been resolved as final. In between June 2010 and July 2011 (when decriminalization of the defamation entered into force), courts had 12 ongoing cases⁸³, out of which:

- The procedure has been suspended in 5 cases
- Acquittal took place in 4 cases
- Condemnatory judgment in 2 cases (a fine of EUR 600 and a fine of EUR 1,000)
- In one case a private action was rejected.

⁸² Law on Amendments to the Criminal Code. Official Gazette of Montenegro, No. 32/11. 1 July 2011. <http://www.sluzbenilist.me/SluzbeniListDetalji.aspx?tag={E16D5B7E-D6A0-44E9-8961-A8C-CACCF2D4}> (Accessed 26 April 2014).

⁸³ Supreme Court of Montenegro, internal report.

Amnesty Act of June 2012⁸⁴ was adopted for the persons convicted for criminal offences – defamation and insult, and Article 1 provides for the persons who were, on the day of entering into force thereof, legally convicted for criminal offences of insult referred to in Article 195 and defamation referred to in Article 196 of the Criminal Code⁸⁵, to be freed from the execution of an imposed penalty, and to have all the measures prohibiting practicing a vocation, activities and duties dismissed, to be released from the judgment and its legal consequences.

In June 2012, the Law on Amnesty of Persons Convicted of Insult and Libel was adopted reversing the effects of the sentencing of those previously convicted of criminal offences of insult and libel. **Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, 2013** welcomed the adoption by the Supreme Court of a Principal Legal Position which establishes that pecuniary compensation for liability in defamation cases should be in line with European standards as interpreted by the European Court of Human Rights and that the amount of compensation does not discourage journalists and media from exercising their profession.

4.5. Romania

After public protests and letters from civil society, insult and libel (Articles 205 and 206) were excluded from the Penal Code in 2006 with a short backslide during the debates from 2013-2014 concerning the new Penal Code, because the drafting committee considered the two crimes worth to reinforce. Fortunately, both articles were kept out from the new penal code, in force starting with February 1, 2014. In brief, after 2006 the libel and insult were treated in Romania under the Civil Code only, which means a possible perpetrator would have to pay damages and compensation if the judge so decides, but cannot get a jail sentence. In actual cases the judges were inclined to stand for more freedom of expression when the media reported on dignitaries or other individuals occupying public office, following the practice of CEDO. Still, the independent civil society fears

⁸⁴ Amnesty Act for Persons Convicted for Criminal Offences of Slander and Insult. Official Gazette of Montenegro, No. 31/12. **Legal Acts**. Available at: <http://www.sluzbenilist.me/PravniAktDetalji.aspx?tag={A4B46BE8-19D9-4A33-887E-870F33F994E9}> (Accessed 15 September 2014).

⁸⁵ Criminal Code. Official Gazette of the Republic of Montenegro, No. 70/03, 13/04, 47/06. Official Gazette of Montenegro, No. 40/08, 25/10, 73/10. Available at: www.gov.me/files/1230044941.doc (Accessed 15 September 2014).

that a ruling from 2013 issued by Constitutional Court could hinder free speech. This decision stated that the abrogation of libel and insult were “unconstitutional”, but there is public concern even if the decision has not been used in trials.

The Civil Code, in force since October 2011, protects the right to the freedom of speech (70), to private life (71), to dignity (72), and to personal image (73). Article 75 and others provide a detailed list of instances that breach the right to private life. The claimants can appeal to Article 253-5 in order to seek compensation if they were victims of media abuses. The courts can impose reparations or other measures for claimants. Until now, there have been cases based on the right to image in which the court established fines reaching 20,000 EUR for the TV channel Antena 3. Observers largely perceived the shows under investigation as instances of character assassination. The sentences are not definitive.

4.6. Serbia

Looking back on the criminal proceedings before the courts in Serbia in the cases in which a journalist or media is involved as one of the parties, a positive trend could be noted. Data show decline of the overall number of persons convicted for defamation and insult in the period between 1991 and 2012⁸⁶. These data cover the vast majority of cases in the category of criminal offences against honour and reputation, to which journalists are particularly vulnerable, considering the sensitivity of nature of their job.

The Republic of Serbia decriminalised defamation in 2012, in accordance with the amendments to the Criminal Code (The Law on Amendments and Supplements of the Criminal Code, Official Gazette of RoS, No. 121/12). It is now subject to civil litigation only. Insult remains a criminal offence, although it is not punishable with imprisonment since 1 January 2006 when a new Criminal Code (Official Gazette of RoS, No. 85/05) came into force. However, journalists and media can still feel repressed even if the Civil Code is being used because of the high fines that might threaten the survival of the media, especially in the weak economic market.

⁸⁶ Data for years 2007 to 2012 are available at the web page of the Statistical Office of the Republic of Serbia <http://webzrs.stat.gov.rs/WebSite/Public/PublicationView.aspx?pKey=41&pubType=4>, while remaining data have been found in publications available at the library of the Statistical Office of the Republic of Serbia (data for 2013 is still not available)



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inconsistent legal framework and a lack of political will
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Author: Iva Milanović-Litre, PSD

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SCOPE OF WORK OF PROFESSIONAL ASSOCIATIONS AND UNIONS

In such turbulent times for media and journalists, a crucial role should be played by unions and professional associations. But in majority cases they have not played it well. Generally, the activity of professional associations was rather insignificant and reduced to a few press releases on media related issues. On one side, in Romania, Serbia, Croatia and Bosnia and Herzegovina there is a significant number of associations with a few leading ones, but their influence is restricted. On other side, in Montenegro there is only one association established a year ago, gathering hardly 15 percent of journalists and is already considered biased. In FYR Macedonia there are two associations and one union, but not even their members are satisfied with their work. In most countries, different associations and unions do not cooperate. In fact, they often clash. Instead of dealing with the serious problems of media and journalists with joint efforts, they have themselves become a big pressing issue.

5.1. Bosnia and Herzegovina

In Bosnia and Herzegovina there are six associations of journalists⁸⁷. Some of them are inherited from the previous time, and the others are formed either according to geographic or ethnic lines, which in itself speaks of their aims and character. They are mainly addressing individual and local problems, but often work against the interests of the profession and without close cooperation. Only one of these organizations - the BH Journalist Association, covers the entire state territory⁸⁸ trying to unite journalists, address common problems and

⁸⁷ There are: Association of journalists of Republika Srpska – Banja Luka, the Association of Croatian journalists in BiH; the Association of young journalists in Republika Srpska, the Association of reporters from Parliament, BH Journalists Association and Community (Društvo) of BiH Journalist

⁸⁸ BH Journalists has already 750 members from whole BiH

protect their professional rights⁸⁹. Also, in BiH there are four branch unions of journalists and media staff - two in the Republika Srpska, one in the Federation BiH and a one in Herzegovina. It is estimated that BiH has 5,000 journalists and other media employees.

It is also estimated that only 16 percent of media formed a union, and more than 50 percent of journalists are not members of any associations. A joint action for social and/or professional rights of journalists in BiH has not yet being organized, although there is a huge need for such a step. Unfortunately, trade unions and associations of journalists share the fate of the entire BiH society regarding division and antagonism.

Generally speaking, the role of trade unions and journalists' associations in BiH is not perceived as a strong factor, and many journalists do not even know that these organizations exist.

It is of great importance to work continuously on improving the organization model and effectiveness of journalists' unions and associations. It is the only way to achieve positive attitude and awareness among journalists about the importance of unions and its capabilities to improve their social and professional rights. The first step should be breaking down barriers and divisions.

In 1998, there were initiatives to form a Journalists' Trade Union in BiH that would ensure the foundation in order to fight for rights of journalists across BiH. However, this trade union has never become operational. Today, the Free Media Help Line⁹⁰ is trying to prepare the first draft of collective agreements in the domain of labour rights.

Difficult economic situation in BiH, the consequences of global crisis and the decrease in advertising revenues have a very negative influence on the economic situation of journalists and other media staff. Journalists in BiH have lowest salaries in the whole region (about 50% of journalists have salaries that ensure normal life), many of them working without a contract (unregistered work or as freelancers - for about 40% of media employees) and do not have protection from

⁸⁹ BH Journalists also has Free Media Help Line, a free legal service for protecting freedom of expression and individual journalists rights

⁹⁰ Free Media Help Line is a special service for free legal assistance to journalists and other media employees in BiH, which operates under the Association of BH Journalists since 2003. On an annual basis FMHL solves about 50 different cases of violations of the right to freedom of expression and labor rights of media employees

unions which puts them in a vulnerable position⁹¹. This vulnerability and lack of security have had a significant impact on their work, which is burdened with self-censorship and other forms unacceptable to professional standards.

5.2. Croatia

In Croatia there are dozen registered professional associations but only a few of them are active. The most active, with the longest tradition and the largest membership is Croatian Journalists' Association (HND). It was founded on 18 December 1910 with 61 members and the first elected president was Milan Grlovic. Today it has around three thousands members and since November 1992 HND is a member of the International Federation of Journalists (IFJ). The Association works closely with the Trade Union of Croatian Journalists, mostly in protection of journalists' labour and social rights. In 1998, in co-operation with the Zagreb Faculty of Political Science, HND founded the International Centre for Education of Journalists but it was closed in 2013 due to lack of activity and financial losses.

The president of HND is Zdenko Duka, while the Vice-Presidents are Slavica Lukic and Ana Raic Knezevic. The Code of Ethics of the Croatian Journalists' Association is limited to moral condemnation. The Association's Board of Honour decides on cases of Code's violation, but its judgments are limited to public announcement. Noticeable activities of HND are mostly reactions on issues connected with journalism or individual journalist's issues, and organization of round tables on hot topics. Members are paying annual fee which provides them some beneficiary discounts. HND achieves significant revenue by renting spaces in a building they own (Novinarski dom).

Trade Union of Croatian Journalists (SNH) was founded on 19 May 1990 with a goal to protect basic labour, social and professional rights of journalists. All journalists and media staff from media companies are eligible for SNH membership, as well as freelance and retired journalists. SNH pays lawyers who defend SNH members in labour court cases vs. employers. Until 2005 SNH had

⁹¹ Results of the survey conducted by BH Journalists and Freidrih Ebert Foundation (2012) indicate that 43,50% of respondents in BiH (44% u FBiH, 43% u RS-u) consider that journalists need to have better material and financial status and that it is the prerequisite for the improvement of journalistic work and the quality of reporting.

organized subsidiaries in 63 media companies. In most other media companies SNH has individual members, total of 3000. SNH managed to sign collective agreements in 11 media companies but still did not manage to sign national collective agreement. Collective negotiations with associations of media employers over Draft Collective Agreement for Journalists and Media Staff in Croatia have started in May 2003. Since May 2011 the President of SNH is Anton Filić, journalist of **Vecernji list**. Together with Croatian Journalists' Association, on 8 November 1992, Trade Union of Croatian Journalists also became a member of the International Federation of Journalists (IFJ). Association for the Protection of Journalists' Copyrights was established in November 2007. Authors are disabled to individually protect their rights, so the protection is achieved in a collective system of copyright law protection. President of this association is Ivica Grcar. It gathers about 300 journalists, and regularly publishes examples of copyrights violation. Also, Association is obligated to provide journalists with the fees paid out by the press clipping agencies that use their texts. However, the Association so far failed to achieve recognition in the public or significantly affect the harmful copy-paste practice. Other associations from the Register are mostly highly specialised and/or not very active with little media trace of their work.

5.3. FYR Macedonia

In FYR Macedonia there are two professional journalists associations and one union: Association of Journalists of Macedonia, Macedonian Association of Journalists and Independent Union of Journalists and Media Professionals.

The Association of Journalists of Macedonia (hereinafter: AJM), is the oldest and largest association, founded in 1946 by a group of journalists from the following redactions: Nova Makedonija, Trudbenik, Edinstvo, Radio Skopje and the branch office of Tanjug Agency. The main task of AJM is to protect and promote freedoms, rights and responsibilities of journalist. AJM has actively participated in the preparation of legal regulations and international conventions which are of interest for the profession and protect professional interest in accordance with the Code of Journalists of Macedonia. The Association is financed by the international donors such as UNESCO, Balkan Trust for Democracy, Embassy of the Kingdom of the Netherlands in Skopje, British Embassy in Skopje etc.

Another association, the Macedonian Association of Journalists (hereinafter; MAJ), is established in 2002 and considered to be close to the parties of the ruling coalition. Despite the fact that the Association was established in 2002, it was re-established in 2012, designed to diminish critics and open confrontation, as well as to provide support for the newly developed media laws. AJM was a major critic of the newly proposed media laws; Law on Media (Official Gazette of FYRM, No. 184/13) and Law on Audio and Audio-visual Media Services (Official Gazette of FYRM, No. 183/13). After long negotiations with the representatives of the Ministry of Information Society and Administration, the Law on Audio and Audio-visual Media Services was amended in January 2014 (Official Gazette of FYRM, No. 13/14) providing two seats within the Programme Council of MRT for the association of journalist with the most members. However, in the begging of July 2014 the Law on Audio and Audio-visual Media Service was amended (Official Gazette of FYRM, No. 44/14) without any prior consultations with the local civil society organizations nor any other relevant stakeholders. The Law was passed immediately by the Parliament and with the changes the Association of Journalists of Macedonia will have one seat instead of two seats within the Programme Council of MRT. According to the amendment, the second seat in the Programme Council of MRT will be for a representative selected by the second biggest journalist association in Macedonia, in this case MAJ. According to the data which both associations submitted to the Ministry of Information Society and Administration, AJM counts 512 journalists and MAJ counts 440 members.

After the numerous unsuccessful attempts in the past 20 years, on 12 November 2010 the first Independent Union of Journalists and Media Professionals (SSNM) was founded by a group of journalists and media workers which elected Tamara Causidis for the first President. Today the union counts over 700 members, with the main purpose to provide legal help and free presentation in court for its members. Although very active, SSNM is still perceived as a weak organization that lacks financial resources. However, this can be considered as a significant step forward in the protection of journalists and by now over 15 cases of unlawful layoffs, unpaid salaries and other violations of the workers' rights have been brought to court.

5.4. Montenegro

Currently in Montenegro there are two professional national associations of journalists (Montenegrin Association of Journalists and the Association of Journalists of Montenegro), which are extremely divided, like the media. Branch associations were established as well: Association of Independent Electronic Media of Montenegro (UNEM), the Association of Electronic Broadcasters of Montenegro (AKEM), the Union of Local Public Broadcasting Services in Montenegro (ULES), and the Association of Local Newspapers (ULŠM).

Both national associations mark the Day of Journalists, 23rd January, when they give journalists awards. The award-granting process completely reflects the above-mentioned deep divisions on the media scene. Practically, allocation of journalism awards is the only activity that the two journalists' associations have, together with some sporadic statements on current events, usually related to attacks on journalists or similar events. The general impression is that professional associations are poorly developed and weak, with limited capacity to make a difference.

The Association of Journalists of Montenegro was founded in 2008 and has 90 members, regular and honorary⁹². According to the President, Mr. Nikola Vujanovic, they do not receive funding from any side - state, donor or membership. Their reactions are mostly concerned with key socio-political events in Montenegro, or the violations of journalist and professional codes that should be respected by all journalists in the world. They have published a total of 21 reactions. There are no data available for the Montenegrin Association of Journalists.

The Trade Union of Media of Montenegro (SMCG) is currently the only active union in Montenegro, founded on April 13, 2013 in Podgorica as a branch union within the Association of Free Trade Unions of Montenegro. The objective of the Trade Union of Media is to be an authentic representative of all Montenegrin media employees, who have not been engaged in any trade union so far and no one has represented their interests⁹³. The membership size of the SMCG is 330 members, which is just above 15% of the total number (around 2300) of journalists in Montenegro⁹⁴.

⁹² The Association of Journalists of Montenegro President, Mr. Nikola Vujanović

⁹³ Sindikat medija Crne Gore (2014) About Us (Online) Available at: <http://www.sindikatomedi-jacrnegore.com/#!about-us/ci5z> (Accessed 10/03/2014)

⁹⁴ Camovic, M. (2014) 'Re: Podaci o radu Sindikata medija Crne Gore' (Online) Date Posted: 27th March. Available from: marijanacamovic@yahoo.com

According to the Statute⁹⁵ the SMCG was established to achieve the protection of economic, social, labour, cultural, trade union and other rights and freedoms of members of the Union in accordance with the Constitution, law, international conventions and other regulations. However, there is very little information available concerning the actual work of the Union and the general impression on SMSCG is that the Union is fairly new in its establishment and has barely surpassed the legal minimum quota (15% of the overall number of journalists) for union representation. At the same time the President of the Union, Ms. Marijana Camovic is a journalist at ND Vijesti (she underlined this fact in a written reply to our enquiry concerning the project research⁹⁶) which leaves room for concerns whether the Union is an authentic representative of all Montenegrin media employees or a mere instrument of struggle between the two opposing “media sides” in Montenegro.

5.5. Romania

The number of professional associations and unions is relatively high, both at national level and local level. Usually the data for membership is not completely reliable and thorough research is still missing on this topic. Nevertheless, some of them act as watchdogs for public and private mass media: they record and protest against abuses related to journalists’ work conditions and independence; they suggest amendments to laws concerning mass media or cultural policies; sometimes, their actions include street protests, as in the rally in autumn of 2013 against the Director of Romanian Public Radio.

The general perception on trade unions and professional associations in journalism is that of lack of efficiency. Fragmentation, economic crisis, and volatility of work force may be counted as explanation variables for a low impact of their activities.

Usually, unions are not involved in lawsuits and they do not offer legal aid to journalists charged. In some cases, non-governmental organizations (Apador

⁹⁵ Sindikat medija Crne Gore (2013) Statute of the Trade Union of Media of Montenegro. Available at: http://media.wix.com/ugd/f2d64d_1951d63701684b2b982e33adb9d7fe7.pdf (Accessed 01/04/2014)

⁹⁶ Camovic, M. (2014) 'Re: Podaci o radu Sindikata medija Crne Gore' (Online) Date Posted: 29th April 2014. Available from: marijanacamovic@yahoo.com

CH, Active Watch) offer legal aid to journalists in order to bring their cases to the European Court of Human Rights (ECHR). Journalists are, in most of the cases, on their own to deal with problems related to work rights (sometimes they have won against their employer for abusive dismissal).

The activity of professional associations, in the recent years, was rather insignificant and there are only a few press releases on media related issues. The “voice” and reactions are placed within civil society and, more specifically, it is worth mentioning Active Watch, Freedom House, and the Centre for Independent Journalism (CJI).

5.6. Serbia

According to the Agency for Business Registers, in Serbia there are 37 journalists' associations, most of which are either local, national (ethnic minorities) or specialized nature (for example, the Association of Sports Journalists). The Independent Journalists' Association of Serbia (NUNS), the Journalists' Association of Serbia (UNS) and the Independent Journalists' Association of Vojvodina (NDNV) are publicly recognized as representatives. These three associations are a part of the Media Coalition, whose members are also the Association of Independent Broadcasters (ANEM) and Local Press (Association of local, mainly print media).

According to the information from associations themselves, which should be taken with a grain of salt, the Journalists' Association of Serbia in 2011 had 6,767, the Independent Journalists' Association of Serbia 3,483 members, and the Independent Journalists' Association of Vojvodina 545 members⁹⁷. These numbers should not be taken for granted because there is a possibility that the membership base of some associations is not regularly updated. Also, one should be aware of the fact that between UNS and NUNS there is a court case about real estate, and that each of these organizations is intended to show a larger number of members for the purposes of the trial. The litigation between the UNS and NUNS lasts since the political changes in Serbia in 2000⁹⁸.

⁹⁷ *Medijske slobode Srbije u evropskom ogledalu (2011), Izveštaj baziran na Indikatorima Saveta Evrope zamedije u demokratiji*. Beograd: ANEM.

⁹⁸ *Nezavisno udruženje novinara Srbije (2011) Sudski spor između NUNS-a i UNS-a: Sve ispočetka* [online] Available at: <http://nuns.rs/info/statements/20783/sudski-spor-izmedju-nuns-a-i-uns-a-sve-ispocetka.html> (Accessed 12/06/2014).

Since 2009, UNS, NUNS and NDNV are a part of the informal association of media and journalists' associations called Media Coalition. Regardless of the many differences between the associations, especially regarding the nineties and warmongering journalism, they manage to find the lowest common interest - advocating for the adoption of a new legal framework that should improve the situation in the devastated journalism and chaotic media market. Media Coalition has been actively involved in adoption of the Strategy of the Public Information System in the Republic of Serbia until 2016, which was adopted in September 2011. Common attitudes on the basic principles of Media Strategy represented strong pressure on the Serbian authorities to enact new laws which, though delayed in relation to the Action Plan for the implementation of the Media Strategy, finally had been adopted in August 2014. Most important suggestions of the media community, especially in relation to the issues of state ownership and privatization, the transition from the budget to the project financing, transparency of ownership, defining the public interest in the field of public information, detailed regulation of the rights and obligations of the media and media workers, adequate regulation of the electronic media and the organization of public services, as well as other key elements for improving and upgrading the media legislative framework, were adopted in the new laws.

After the political changes in 2012 and the arrival of the coalition led by the Serbian Progressive Party (formed from the former ultranationalist Serbian Radical Party), there is less common ground in the activities of journalists' associations, and more difference in terms of media freedom. After 2012, the President of UNS Ljiljana Smajlovic became the Chief Editor of **Politika**, the newspaper controlled by the Government of Serbia. In her editorials in **Politika** she took a stand of the First Deputy Prime Minister of Serbia, and the current Prime Minister of Serbia, Aleksandar Vucic, and opposed the freedom of the media. It created dissatisfaction among the NUNS and the NDNV. Media Coalition still formally exists through the implementation of the project "The campaign for media literacy", which is supported by USAID.

It is very difficult, almost impossible, to obtain the official data on the unions⁹⁹. Two representative trade unions in the media companies are Association of Autonomous Trade Unions of Serbia (in which there is Independent Trade Union of Workers in the Printing, Publishing, News and Film Industries of Serbia)

⁹⁹ All researchers that we have consulted during the research agreed with this statement.

and the United Branch Trade Unions "Nezavisnost" (which includes also Trade Union of the Media). In 2002, as a reflection of dissatisfaction with the existing trade unions, the Union of Journalists of Serbia (established by the Journalists' Association of Serbia) had been established but never achieved representativeness¹⁰⁰. Union of Autonomous Trade Unions of Serbia is the successor of the union organizations from the communist period, and its establishment is linked to 1903 and the formation of the Workers' Alliance of Serbia¹⁰¹.

The problem with the trade union rights of journalists is the fact that the trade unions, even if they were active, do not have anyone to cooperate with because no employers' organizations in the media sector gathers at least 10 percent of employers who have at the same time 15 percent of employees in the media. Employers are not interested in collective contracts, arguing that the Labour Act already gives too many benefits for employees. The state, on the other hand, did not show the interest to help in unblocking the social dialogue within the media sphere, and Media Strategy lasting until 2016 does not address the economic and social status of journalists. Union activity of journalists still exists in the public service and state-owned enterprises, while in private media organizations it practically does not exist¹⁰².

The impression is that the employees of media outlets and journalists are completely uninterested in union organizing, for which there are two main reasons: the first is that employees think that union organization and the struggle for labour rights may result in a penalty of the founder (private owner), in the context of a small number of sustainable media and the large number of unemployed journalists; the second reason is that people of Serbia generally have very little confidence in unions. According to a survey from 2011¹⁰³, very few people have confidence in the unions, majority sees them as dependent institutions. For instance, among all employees only 7 percent have confidence in the Union of Autonomous Trade Unions of Serbia, and 5 percent in the United Branch Trade Unions "Nezavisnost". This study also showed that only 14 percent of Serbian

¹⁰⁰ Ibid.

¹⁰¹ Savez samostalnih sindikata Srbije (2012) Lična karta. [online] Available at: <http://www.sindikata.rs/licna_karta.html> (Accessed 14/06/2014).

¹⁰² Medijske slobode Srbije u evropskom ogledalu (2011), Izveštaj baziran na Indikatorima Saveta Evrope za medije u demokratiji. Beograd: ANEM.

¹⁰³ Sindikati u medijima (2011), Istraživanje Centra za razvoj sindikalizma. Beograd: Centar za razvoj sindikalizma

citizens have basic information about the activities of trade unions, and 64 percent were not at all informed. Among employees only 3 percent is well informed, 18 percent relatively, 31 percent moderate, and 48 percent - not at all.

On the other side, when searching for information on existing trade unions action in the media sphere, it is clear that the unions are not active and do not meet their goals. Also, their presence in public is very rare. Independent Trade Union of Workers in the Printing, Publishing, News and Film Industry of Serbia seems to have not yet responded to the demands of the new times and is still "pulling" the weakness from the period of socialism. Although it originated from the media sphere, "Nezavisnost" does not show a significant commitment in that area. For example, the website of this trade union contains only six news related to their activities related to media sector from 2008 until today¹⁰⁴.

¹⁰⁴ UGS Nezavisnost (-) Granskisindikamedijs Nezavisnost [online] Available at: <<http://www.nezavisnost.org/pages/naslovna/granski-sindikat-medija-vesti.php>> (Accessed 15/06/2014).



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initiative for Monitoring BH European...
confirming the mandate of director general. However,
communications, Council of Ministers is in charge of
-H representation in international forums related to
-ordnance with existing laws and determination of
-ouncil of Ministers, as well as any other person,
-not interfere with CRA decision making process. In
-n to that, according to the Article 40 Of the
-communications, officials from legislative
-stitutions of all government levels,
-political parties' organs, cannot be
-in the position of Director General,
-from the function of members of
-events are showing that this
-director of the Agency and
-not suit government

Whether general situation in media scene is a result of ignorance, or an intention, the consequences are devastating

General
update
There has been more
existence of secret ag
Democratic Party) an
Social Democrats) o
agencies, precisel
Communicator
Documents. Re
is why points
the Council
agumdzi
Milorad
in the
of

Secret agreement of BiH PoP

Parties' battle for positions in the Co...
Arapovic stated, emphasizing that...
are being employed, rather than...
responsibility to capacity wea...
contributes to capacity wea...
CRA as a strong political wea...
intention to use CRA as a mean...
over media and the whole soci

Montenegro: Media landscape still reflects deep political divisions that the struggle for national and territorial independence created

Latest Countries Montenegro Jul 25, 2014

newly selected Council of Ministers
Regulatory Agency BiH has
-jan Rajcevic, director of Agency for Director
of the Agency. Rajcevic has been elected
Society of Republika Srpska for CRA
-ran Rajcevic has sent a request to
of the Agency based on national key
-ng eight candidates who meet the criteria for CRA
Director, as well as the criteria for Director
On 30 May 2014, CRA Council has exceeded long
predicted deadline has been exceeded long
-ther with other personnel issues
Ministers session, however, it was
discussed. New Council of
Rajcevic's nomination
cheduled for 3
-f national
-ring

The highest price of those internal agree...
is being paid by citizens of this country

Nikola Spiric emphasized after Council of Ministers
session held on 30 July 2014.
It is still unknown when CRA Director General will be
appointed. CRA Council has appealed with
International Community in BiH for solution to this
long crisis. Milos Sobela, member of CRA Council
stated that the biggest advantage of the Agency is the
independence. Council of Ministers wants to nominate
the director of the Agency. If this issue is not resolved by 3
September, it will not be in 20 years either", Soja
out of parties members of
as session sched

...stion of journalists
...issues in six SEE countries
...Agency (CRA) BiH is
...influence. Although the Law
...disables interference of various
...of interest groups in selection and
...of CRA and director of the
...al and candidate procedures.
...om 2013 related to the changes to
...Code and candidacy procedures
...appointment of new members of political
...Director, where national and political
...is considered, rather than competency
...indicated among political influences
...making important for
...mentments have been
...on BiH Progress
...made by
...ion.

...ates
...s
...Croatia: Investigative journalism course got 'cancelled'
Faculty of Political Science study programme
AP Student Latest Readers Choice
Jul 15, 2014

...berbia: The privatization of the media as a stumbling block
- inconsistent legal framework and a lack of political will
Groomed Editors Choice Gray Latest Countries Serbia
...most direct and undisputable one - which
...political influence on the media is implemented
...through. Political influence is achieved and
...maintained due to insufficiently regulated financing of
...media and media projects, significant role of state
...ownership and possible regulated financing of
...independence and possible significant role of state
...public services and transparency of
...financial situation of regulatory bodies, h...
...financial situation.



...and withdrawal of the
...re among priorities of
...of the media laws,
...ved the green light
...stemming from
...in September
...a significant
...3 adopted in
...tization of
...tes (2006
...and Nedim Spidimovic, HDVY

...capture, process
...professional associ
Editors Choice Gray Latest
...he who pays the piper calls
...statement in the media. Wh
...directly linked to how and
...Published content is often fi
...economic interests and the
...know who owns, and even
...media content or can influe
...consensus that, for a fre
...preferable than state ow
...brought with transfer of c
...south-eastern Europe. P
...analysed countries (Croat
...FYR Macedonia, Montene
...a shady process, behind
...media moguls and cont
...capture. In most of cou
...print while the national
...hands of state. With rare
...for legal arrangements

Author: Iva Milanovic-Libre, PSD

Photo illustration, Source: blogs.ind...





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hip, economic

...neither can they per...
... CRA Council. But latest events are showing that this
...way of nominating the Director of the Agency and
...representatives.
...of appointing new CRA Director General
...started in 2008, when Kemal Husejinovic was director then,
...expired (he was on that position since 2003), and
...CRA Council has illegally implemented the procedure
...for election of new Director General who was forwarded its decision
...supported Kemal Husejinovic and has forwarded to procedural
...as the best candidate and has asked job vacancy
...to the Council of Ministers BiH in order to chose new CRA
...nomination. However, referring to procedural
...announced again in order to chose new CRA
...years after, new director of Communication
...has not been appointed.

CRA without Director General for full 6 years

Croatia: Whether general situation in media scene is a result of ignorance, or an intention, the consequences are devastating

General
Countries
Croatia
Grey
Latest

Jul 7, 2014

Montenegro: Media landscape still reflects deep political divisions that the struggle for national and territorial independence created

Latest Countries Montenegro Jul 25, 2014

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...maintain independence. If this issue is not resolved by 3
...after the Communication Regulatory Agency
...as session sched...